

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SESSION OF 1923

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,

Commencing Tuesday, January 9, 1923



WM. W. BRANDON, Governor

CHARLES S. McDOWELL, JR., Lieutenant-Governor

JAS. B. ELLIS, President Pro Tem. of the Senate

HUGH D. MERRILL, Speaker of the House

I, S. H. BLAN, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

S. H. BLAN,
Secretary of State.

BROWN PRINTING COMPANY
State Printers and Binders
Montgomery, Ala.
1923

Entered according to Act of Congress, in the year 1923 by
WM. W. BRANDON, GOVERNOR OF ALABAMA,
for use of said State,
In the office of the Librarian of Congress at Washington, D. C.

GOVERNOR'S MESSAGE.

To the Members of the Legislature of Alabama:

Gentlemen: It gives me pleasure to welcome you to the capitol and to assure you of my hearty co-operation in all your efforts for the advancement of the interests of Alabama and the promotion of the welfare of her people. I sincerely hope that your session will be characterized by harmony, wisdom and sound business judgment, and that the legislation you enact may be of a character that will merit and receive the approval of the right thinking people of the State.

I earnestly advise you to avoid the enactment of too much local and special legislation. The practice is far too prevalent. No rule can be more just and equitable than that of the Legislature passing general laws and requiring all alike to regulate their conduct by them. Special laws often interfere with the administration of justice, bear unequally upon individuals and groups of citizens and tend to confound rather than protect the rights and liberties of the people. Some special and local laws may be found necessary and advisable but they should be used sparingly.

This message is sent to you in obedience to the mandate of the Constitution which requires the Governor at the close of his term of office to give to the Legislature information of the condition of the State. In submitting for your consideration such recommendations as I deem expedient and in making such comments as may seem proper, I shall leave to the heads of the respective departments, to whose efficient work and splendid co-operation I am greatly indebted, the more specific and detailed statements and suggestions, using so much of their reports as may be necessary to enable me to lay before you a general statement of the condition of the State. I shall also, through the medium of this message, render to the people of the State an accounting of my stewardship during the past four years. Perhaps no better method of rendering this account can be employed than that of mentioning specifically my campaign promises and the recommendations I submitted to your predecessors and briefly commenting upon the action of the Legislature and the administration concerning them.

The following is a list of all of my campaign pledges and the most important recommendations to the Legislature and a statement of the action of that body in response to them.

IV

FIRST—Laws for the enforcement of

PROHIBITION

The first bill of general importance passed by the Legislature of 1919 was H. B. 7, known as the Bone Dry Law. That legislation was followed by the ratification of the Eighteenth Amendment to the Constitution of the United States by 46 states of the Union and the proclamation of the Secretary of State that the amendment had been adopted by the required number of states and was a part of the Constitution. There has been sincere cooperation between the State and Federal authorities for the enforcement of the prohibition laws, State and Federal, with the result that those laws have been reasonably well enforced, as well or perhaps better than many other laws on the statute books. The economic and moral advantages and benefits accruing to the State from the passage of State and Federal laws on this subject are incalculable and can not be over estimated.

In this connection, I shall record the true story of an attempt to amend the law so as to allow the lawful sale of non-intoxicating cereal beverages, about which there has been some misapprehension. Before the call for the extraordinary session of 1921 was issued I was visited by a small group of citizens who requested that the subject of cereal beverages be embraced in the proclamation calling the Legislature together. I declined to comply with the request on the ground that one house of the Legislature had passed unfavorably on the matter and that submission of the question again was useless. Subsequent to that interview pledges of 18 Senators and 54 Representatives to vote for the measure were presented to me. I thereupon placed the subject in the call for the session and submitted it **without recommendation**. It seemed clearly a duty to allow a vote on a question on what was virtually a request of a majority in each house. Instead of making a recommendation, I submitted arguments for and against the proposal prepared by able friends and enemies of the proposition, Hon. Victor H. Hanson of Birmingham and Dr. W. B. Crumpton of Montgomery, respectively. On coming to a vote in the House the bill was lost by a vote of 51 to 39, notwithstanding the fact that 54 members had signed pledges to vote for the measure. It is clear that a number of the members violated their written pledges. I did not then nor do I now see any harm in allowing the sale of a non-alcoholic non-intoxicating beverage. On the contrary, I believed then and I believe now that the sale and use of such harmless drinks would be in the interest of temperance and the enforcement of the law against intoxicants, but the fact remains that I did not recommend the passage of the bill out of respect to the views of leading prohibi-

V

tionists who disagreed with me. I make this statement, not for the purpose of re-opening the question but simply that the truth might be known and that the responsibility of the whole matter should be placed where it belongs, viz.: on the shoulders of the members who signed the pledges, many of which were broken.

LAW ENFORCEMENT DEPARTMENT

At the adjourned session of the Legislature in 1919 the Governor was authorized to employ a special force of not more than ten men, to serve under his immediate direction, to assist him in taking care that the laws are faithfully executed. The sum of \$20,000 per annum was appropriated for the purpose.

At the special session of 1920 authority was given for the increase of the force to not more than thirty men and the appropriation was increased to \$50,000 per year. The following is a summary of the work of the department during the period from its creation September 30, 1919, to September 30, 1922:

Arrests:

Violation of prohibition law.....	1,903
Operating still	587
Having still in possession.....	292
Miscellaneous	2,167
	<hr/>
	4,949

Disposition of Cases:

Convictions	2,043
Nol prossed	313
Acquitted	301
Abated by death.....	6
Abated by insanity.....	2
Grand jury failed to indict.....	55
Pending	2,229
	<hr/>
	4,949

Property Seized and Destroyed:

Stills	1,394
Beer	704,349 gallons
Whiskey	10,310 gallons
Apple cider	200 gallons
Home brew	5,135 bottles

Property Confiscated:

Automobiles	44
Trucks	7

VI

Gasoline launch	1
Railway motor car	1
Buggies	2
Schooner	1
Mules	6
Wagons	5
Horses	3

FINES AND EXPENSES

Cash fines	\$142,853.00
Expenses	128,662.00
Excess of fines above expenses	<u>\$14,191.00</u>

The Constitution requires the Chief Executive to "take care that the laws be faithfully executed." It is not always an easy task. In some counties the local officers are not in sympathy with certain laws and in such circumstances proper law enforcement is next to impossible. In such cases the law enforcement department has been of very great assistance. But its chief activities and best results have been obtained in co-operation with local officers with whom the most cordial relations exist throughout the State with the exceptions noted above. The accomplishments of the department have more than justified its creation. It will be seen that the cash fines imposed upon violators of the law exceeded the expenses of maintaining the department by \$14,191.00. No friend of law and order and the enforcement of the prohibition laws in particular could possibly advocate the reduction or abolition of this body of law enforcers.

This department could be enlarged and its scope of activity widened with profit to the State. It could be used to advantage in running down criminals, murderers and other grave offenders against law and society, working in co-operation with sheriffs and other local officials. Events during recent years have proved the utter inadequacy of present means and methods employed for the apprehension of this class of criminals.

The appropriation for its maintenance should be adequate for the addition to the force of highly trained specialists in the business of running down crimes of a more serious nature than those for which it is used at present.

PUBLIC HEALTH

No branch of the State government has made more splendid advances during my term of office than has the Department of Health. It has fulfilled its early promise of real achievement.

The machinery of our health organization has been perfected and adapted to the safeguarding of the health and lives of the

VII

people of Alabama, with such success that scientists from other states and from foreign countries have come here to study our organization and to observe our plan of operation.

The improved office and laboratory facilities provided by the last Legislature have enabled the State Board of Health, in its new quarters at 519 Dexter avenue, to expand its service with the greatest degree of satisfaction and least possible expense to the State. Improved administrative methods in the Pasteur Institute have resulted in the saving of \$10,000.00 a year to the State; typhoid vaccine is now being made and distributed free to the citizens of the State. Diphtheria anti-toxin is distributed free to indigents and all other biological products are distributed at minimum cost to the purchaser.

The money which the State has appropriated for health work has, through wise handling and obvious achievement, attracted supplementary funds from the coffers of Federal and voluntary health agencies.

A total of more than \$85,000.00 from these sources has been added to the State's appropriation and spent in health protection.

These are some of the outstanding evidences of real accomplishment:

Twenty of our more populous counties have the protection of full-time health service; this covers 50% of our entire population and 31% of our rural citizenry considered alone. According to the rating of the United States Public Health Service, only two states in the Union equal or excel this record.

Safe city water supplies serve our urban population under the watchful supervision of the Engineering Bureau of the State Board of Health. As a result of safe water and full-time health service, typhoid fever is becoming more and more uncommon and deaths from this disease are fewer by about two-thirds than they were four years ago for the entire State. This means a saving of more than 2,000 lives which would have been lost by typhoid fever alone had conditions remained the same throughout 1921 as obtained in 1917.

The machinery for the collection and preservation of statistical records has been brought to a degree of accuracy which will admit Alabama to the United States Registration Area.

The hotels of the State are inspected systematically and marked progress has been made toward making the traveling public comfortable; cafes, soft drink stands and bottling plants have been brought to a very high standard of sanitation; regulations governing food supplies have met a need long felt by the general public.

Malaria control projects are in operation throughout the State and the results of this work are apparent in increased industrial efficiency in malaria sections and a lowered death rate from ma-

VIII

laria. Another 1,000 who were due to die from this cause, according to 1917 figures, are enjoying life as a result of preventive measures instituted by the Health Department. It is with no small degree of pride that I mention the fact that at a recent competitive exhibit held in Chattanooga by the Southern Medical Association, Alabama won first prize for malaria control work.

Alabama is rated first by the United States Public Health Service in venereal disease control. A State-wide campaign against the social diseases is carried on by means of 12 free clinics and 115 co-operative clinics which latter charge a nominal fee of \$2.00 for service which ordinarily costs from \$15.00 to \$25.00. That appreciable progress is being made toward the eradication of these diseases is shown by a constantly decreasing number of new infections combined with longer continued treatment for all cases under supervision.

Women of the under world have been a problem in every generation. Many of these wrecks of society might be redeemed if adequate facilities were provided for their treatment and rehabilitation. I recommend that a detention home for infected prostitutes be built and adequate provision made for the maintenance of the home and treatment of its inmates.

The problem of approaching and enlightening our boys and girls on question of sex and the dangers attending exposure to social diseases has been a source of concern to parents in every age; we have here in this agency a sane program for reaching and teaching the high school boys and girls which merits the approval of every parent in Alabama.

The harmonious working relations between the various departments of the State government are gratifying. The State Board of Health and the Department of Education are working hand in hand for the upbuilding of our children.

The University of Alabama in co-operation with the State Board of Health is conducting an extension course in School Health Work for Teachers.

The Agricultural Extension Department at Auburn is in thorough accord with the aims and purposes of the State Board of Health in its program of health education, the results of which are evident in many ways, but conspicuously so in the lowered death rate from pellagra.

The Alabama Tuberculosis Association is co-operating with the State Board of Health in a general health program; Alabama is one of the few states of the Union having no hospital for the care of tuberculous citizens. I, therefore, recommend that such an institution be established.

Work already inaugurated for the protection of mothers and babies as one feature of the county health programs has been recently expanded by the addition of a number of nurses through

IX

our acceptance of the Sheppard-Towner Act, which provides for an annual subsidy to each of the forty-eight states of Federal money to the extent of \$5,000.00 outright and an additional sum determined by the size of its population, provided, that this additional sum be matched dollar for dollar by State funds forming a budget for financing educational work with regard to the hygiene of maternity and infancy.

The funds made available to Alabama in this way amount to \$25,836.95 per annum, \$20,836.95 of which must be matched by State funds.

As Chief Executive of the State, in order to meet the demands of this Act, I accepted these funds from the government in the spring of 1921; I am recommending that a joint resolution be passed by the State Legislature confirming my executive action.

An altogether higher conception of health as an economic asset is evident among our people than that which was in evidence at the beginning of my administration. The figures quoted above represent lives saved from a few definite causes mentioned and do not take into account the higher level of health and industrial efficiency noticeable throughout the State and the higher physical rating of our school children.

An analysis of the progress of the past four years in public health in Alabama in comparison with other commonwealths convinces me of two things:

First—That the Alabama State health system is fundamentally sound and workable and that the freedom of initiative it allows the health executive combined with the lump sum budget which affords opportunity for astute business management presents a unique opportunity for the development of that quality of leadership which our democracy so sadly needs and so seldom produces.

Second—That in Dr. S. W. Welch, State Health Officer, charged with the physical well-being of our people, Alabama has a great leader for a great cause and that this leader, who brings to the working out of high purposes the ripe experience of a sound business and professional career, is pre-eminently fitted to serve and conserve the health interests of the State of Alabama.

Your attention is again called to the fact that \$85,000 was spent in Alabama last year in demonstration work by agencies outside of the State; these several activities must be taken over at some time by the State; the work must go forward or break down and an increase in the appropriation will be necessary.

I would consider it a profitable investment for the State of Alabama to place at the disposal of our health organization an appropriation of \$500,000 per year. The State could make no better investment. It would pay enormous dividends in the form of thousands of lives saved annually and in a tremendous increase

X.

in the mental and physical vigor of our people, resulting in a vast increase in the producing powers of our people. That sum would be a mere bagatelle along side the increased value of crops produced by a healthy, full blooded, vigorous people.

EDUCATION

In no other field of human endeavor is interest quite so keen and general as in that relating to the education of youth. This has been true in all ages. Even the savage of the forest found his greatest joy in training his sons for achievement in the arts in which he himself excelled. The crowning glory of our modern civilization is its recognition of education as a governmental duty. All civilized peoples now make provision at public expense for the systematic training of their youth for efficient citizenship and for success in the occupations of life.

The people of Alabama have expended much of money and energy in an effort to provide education for their children. For several decades each State administration has improved upon the educational record of its predecessor. In the making of appropriations as well as in the improvement of the laws under which our school system is administered, there has been marked and continued progress.

THE SURVEY COMMISSION

In spite of the acknowledged rapid improvement in the public school system within recent years the people of the State in 1919 were face to face with the fact that the educational opportunities of a vast majority of our children were far below what every patriotic citizen desired. It was deemed wise, therefore, before passing new laws and making further appropriations, to take stock or make an inventory of what we had in the way of educational facilities, to examine into the character of the services rendered by the existing educational machinery, and to determine in what degree our educational affairs were being efficiently administered.

Upon my recommendation, the Legislature in February, 1919, passed an Act providing for the appointment of a commission of five members to make a study of the public educational system of Alabama, including all schools and educational institutions supported in whole or in part from public funds, to determine the efficiency of the same and to report its findings with recommendations to the Governor on or before July 1st of that year. In the appointment of the commission one member of the Senate, Hon. A. H. Carmichael, and one from the House of Representatives, Hon. J. E. Dunaway, were chosen, and to these were added three other well known and leading citizens, Hon. Sydney J.

XI

Bowie, Dr. R. H. McCaslin, Hon. Geo. H. Lanier, Mr. Bowie being chairman. The recognized high character of the men composing the commission at once commanded the respect of all concerned, assured in advance general confidence in any program which might be undertaken, and guaranteed a careful consideration by the Legislature of the findings and recommendations to be submitted.

Among others the commission called as counselor the United States Commissioner of Education, Dr. P. P. Claxton. With his assistance a survey staff was selected, made up of experts from the U. S. Bureau of Education and other sources, and headed by Dr. Claxton himself. The findings of the survey staff were embodied in a report to the commission, which was published by the U. S. Bureau of Education. That report is a monumental work. It gives detailed information on every phase of educational development in Alabama from kindergarten to university.

The commission found what was already manifest to students of education, namely, that Alabama had many excellent laws relating to schools; that they were not properly co-ordinated; that they constituted a patch-work system, from which a number of fundamentals were altogether omitted. A comprehensive report with recommendations was submitted to the Governor who in turn transmitted it to the Legislature. After a very careful consideration that body adopted a new School Code which was prepared by the commission with the assistance of the State Department of Education, and which became effective September 26, 1919.

The Code provided for a re-arrangement of the public school system, supplied the omissions in administrative and supervisory organization, and minimized unnecessary duplication of effort. Excepting the University, the Polytechnic Institute, and the Technical Institute and College for Women, it placed the control of the several educational agencies of the State in a State Board of Education, whose powers and duties are comprehensive, well defined and abreast of the best expert opinion and practice. The Board consists of six appointive and two ex-officio members, the Governor and the State Superintendent of Education. The terms of the appointive members are twelve years, one-third expiring quadrennially, thereby guaranteeing continuity and stability of policy and practice. All other boards and commissions, except county and city boards, were abolished and their several powers and duties vested in the State Board.

STATE BOARD OF EDUCATION

Excepting the three higher institutions mentioned, the State Board, through the State Superintendent of Education and his professional assistants, exercises general control and supervision

XII

over the public schools of the State. The personnel of the Board, in addition to the ex-officio members is as follows: Hon. A. H. Carmichael, Mrs. Thos. G. Bush, Hon. A. L. Tyler, Dr. Daniel T. McCall, Hon. L. B. Musgrove, Hon. Jack Thorington. It is vested with all the powers and duties necessary for the efficient exercise of such control and supervision. The State Superintendent of Education and his professional and clerical assistants are the agencies through which the Board operates, the Superintendent being chief executive officer. The Board is required to hold annually four regular meetings and such special meetings as may be deemed necessary.

COUNTY AND CITY BOARDS

The county board of education elected by popular vote provided for by the Legislature in 1915 was continued by the Code. Its powers and duties were amplified and more clearly defined, to the end that in every county there might be established a uniform and more effective system of schools. The general administration and supervision of the public schools and of the educational interests of each county, with the exception of cities of two thousand or more inhabitants, are vested in the county board of education.

Among the most important duties of the county board of education is the appointment of the county superintendent of education who, under the provisions of the Code, is the chief executive officer of the county board. The duties of the county superintendent in regard to the supervision of the schools under the control of the county board are very similar to those of the State Superintendent in regard to the schools and institutions under the control of the State Board. Under the law and the regulations of the State Board only professionally trained educators of high character and successful experience are eligible for appointment to the position of county superintendent. County boards may go anywhere for a county superintendent. City boards have always had this power and that accounts in large measure for the superiority of city schools over rural schools. Yet there are those who would have the State revert to the old system of selecting county superintendents by popular election, under which system men were elected not infrequently who did not possess any professional qualifications whatever. A reversion to that method would in the opinion of experts be a backward step which would retard our educational progress immeasurably. That the Legislature would take such a step is inconceivable.

City boards of education were also retained by the provisions of the Code, and their duties and powers were also amplified and more clearly defined. Both city and county boards are clothed

XIII

with the authority and the responsibility of managing as a unit the school system within their respective jurisdictions.

Due recognition also is given by the Code to the board of school trustees which is in immediate charge of the school assigned to it by the county board. While teachers for the rural schools are selected by county boards on the recommendation of the county superintendent, the local board of school trustees has the power to refuse to accept the assignment of any teacher. It may also recommend the removal of any teacher. In other words the board of school trustees co-operates with the county board in an administrative and advisory capacity.

SCHOOL SUPERVISION

The paramount importance of expert school supervision is recognized in the Code. The State Superintendent is required to be a person of good moral character, of recognized ability as a school administrator, with academic and professional education equivalent to graduation from a standard university or college, who shall have had not less than five years' experience in public school work. County and city superintendents are required to hold certificates in administration and supervision issued by the State Board of Education, which certificates are issued only to educators of high professional attainments and successful teaching experience. The members of the local boards of school trustees are required to be discreet, competent and reliable persons of mature years. Principals and teachers are required to hold appropriate academic and professional certificates issued by the State Board.

STATE DEPARTMENT OF EDUCATION

Among the numerous constructive changes made by the Code that relating to the reorganization of the State Department of Education is far-reaching in its beneficial effects. The work of the Department is apportioned among ten co-ordinate divisions, as follows: Executive and Business Management, Teacher Training, Certification and Placement, Statistics, Rural Schools, Elementary Schools, Secondary Education, Physical Education, Vocational Education, Exceptional Education, and School and Community Betterment. This organization enables the Department to function in a systematic and efficient manner. Without such functioning the people cannot hope to receive the maximum of benefits from the use of moneys appropriated for educational purposes.

While this departmental reorganization along with a vast majority of the provisions of the Code are restatements or revisions of laws already in effect, the new features which set up a

XIV

uniform and articulated system for the administration and supervision of the public schools under a State Board cause this legislation to stand out conspicuously as one of the most significant contributions to educational progress in both State and nation.

I am reliably informed that among students of education everywhere the Code is regarded as being about the last word in wise and progressive educational enactments. This is attested by its endorsement and use as a textbook or for reference in the larger institutions for higher education. The wisdom of adopting the Code is evidenced further by the rapid and substantial progress which is being made under the operation of its provisions.

EXECUTIVE AND BUSINESS MANAGEMENT

The business and fiscal affairs of the Department of Education are administered through the division of executive and business management. The tremendous responsibility borne by those charged with the duty of keeping the records and seeing that the laws governing expenditures are complied with is realized when it is known that the funds handled or supervised during the last four years aggregate \$44,064,270.00. This sum includes all expenditures made for elementary schools, high schools, agricultural schools, normal schools, rural school buildings, school libraries, removal of illiteracy, transportation of pupils, vocational education, and the rehabilitation of men and women disabled in industry or otherwise. The revenues from which these expenditures were made came from State appropriations, State, county, and district school taxes, the land fund, incidental fees, appropriations made by county boards of revenue and city commissions and councils, together with all funds received from miscellaneous sources, including gifts and donations used or expended in the promotion of public education throughout the State.

Similar expenditures from similar sources for the preceding quadrennium aggregated \$21,464,728.00. The great increase in educational expenditures during the quadrennium now closing over the preceding one is due in large measure to the beneficial and progressive educational legislation enacted during that period. During that quadrennium a constitutional amendment authorizing the levy of county and district taxes for school purposes was submitted and adopted, and a large part of the increase in public school revenues has come from county and district tax levies. However, the large increase in school revenues from county and district tax levies as well as that in State revenues for school purposes has been made possible by the operation of the policy of tax equalization pursued by this administration.

XV

The increase in the State apportionment to counties during the past four years over the preceding like period has been from \$8,686,900.00 to \$11,101,379.00, a net increase of \$2,414,479.00. The per capita apportionment has been raised from \$2.86 to \$4.59.

During the past four years other increases for services under the State Board of Education have been as follows: For the general education fund from a net amount of \$161,500.00 annually to \$500,000.00; for the rural school buildings from \$134,000.00 annually to \$221,500.00; for the removal of adult illiteracy from nothing to \$12,500.00 annually; for vocational education from nothing to \$102,000.00 annually, which is matched by the Federal government; for the rehabilitation of men and women disabled in industry and otherwise from nothing to \$21,872.95 annually, which is matched by the Federal government; for high schools and secondary education from \$201,000.00 annually to \$271,000.00; for the State secondary agricultural schools from \$43,500.00 annually to \$75,000.00; for the State normal schools from \$114,000.00 annually to \$214,000.00; for the revolving fund used by the State Board of Education to equalize educational opportunities from nothing to \$100,000.00 annually; for statutory salaries in the Department of Education from \$9,600.00 annually to \$14,640.00. An appropriation of \$30,000.00 was also made to each of the four Class A normal schools for the erection of a training school building. Three of these buildings have been erected and the fourth is under construction.

TEACHER TRAINING, CERTIFICATION AND PLACEMENT

In view of the enormous expenditures being made for education it becomes more and more important that the standard of instruction be of the highest type, for in the final analysis the teacher makes the school. Through the division of teacher training, certification and placement, teachers are being professionally trained, certified and placed. This division has direct charge of the preparation of courses of study for the elementary schools, the supervision of instruction, the training of teachers in service, and the approval of courses of study in normal schools and other teacher training institutions.

STATISTICS

Through this division a definite and co-ordinated system of accounting has been set up for the State Department and for all of the counties; also for all of the institutions under the control of the State Board of Education. The division under the direction of the State Superintendent has prepared blanks, forms, registers, rules and regulations for all statistical reports required

XVI

of county, city, district and institutional officials. It has also attended to the editing of circulars, bulletins and reports issued by the State Department. The services rendered have justified the establishment of this division.

RURAL SCHOOLS

Through the division of rural schools the State Department of Education administers the appropriation made for the erection, repair and equipment of rural school buildings. During the past four years buildings have been erected, repaired and equipped with State aid as follows: New buildings, 587; old buildings repaired, 478; buildings equipped, 722; total cost, \$4,509,925.00. The cost to the State for drawing plans, inspecting and supervising the construction of these buildings was \$28,542.00, or less than one per cent.

The consolidation of schools and the transportation of pupils are promoted through this division. During the past four years 490 small schools have been combined into 206 consolidated schools, thereby increasing the enrollment of pupils in those schools from 13,946 to 32,728. The enrollment of pupils in high school grades in the communities affected has been increased from 748 to 5,936. The number of transportation vehicles employed is 285 and the number of pupils transported is 9,154. The cost of transportation in 1921 was \$221,284.00. In the opinion of students of education consolidation and transportation are essential to the solution of our educational problem in the rural districts. Hence my administration has fostered the movement. Practically all of the progress made in consolidation and transportation has been made during the past four years.

ELEMENTARY SCHOOLS

What has been said of the rural schools division is applicable in large measure also to the division of elementary schools, since most rural schools are of elementary grades. The work of the elementary schools division is co-ordinated with and performed through the division of rural schools and the division of teacher training, certification and placement. Such co-ordination is specifically authorized by the Code.

SECONDARY EDUCATION

The most phenomenal growth in our school system has been that which has come in the development of our high schools. During the present quadrennium the enrollment in high schools has increased from 26,457 to 50,000, or approximately 90%. The increase for the preceding quadrennium was from 20,293 to 26,457, or approximately 30%.

XVII

During the last three years the number of accredited high schools has increased from 149 to 205, or 37%. The supervision and accreditation of high schools prior to the adoption of the Code in 1919 was not directly under the State Department of Education.

Through the division of secondary education the State Department has been able, in spite of the rapid and unprecedented growth in numbers, fairly well to standardize the work of our high schools. However, since the junior high school has been made a part of our educational system the work of the division of secondary education has been greatly augmented. As a result the present force in that division is greatly over-loaded and finds itself utterly unable to visit and inspect many of the schools seeking accreditation.

PHYSICAL EDUCATION

The world war and the draft opened the eyes of the American people to the lack of physical fitness in its young manhood. Almost one out of three of the young men called to the colors during that war proved to be physically unfit for military service, and hence physically unfit for the maximum efficiency in any line of work. As a result both State and nation are giving attention to physical and health education.

The Code provided for such a division in the State Department of Education and through that division a program of physical and health education has been projected. This program has been inaugurated in a majority of the counties and has the hearty endorsement and active support of the State Health Department. The adequate support of this program can but mean a more vigorous childhood, a healthier and stronger manhood and womanhood in the future.

VOCATIONAL EDUCATION

Reference to appropriations for vocational education and rehabilitation training has already been made in the statement relating to executive and business management, in which the appropriations for such purposes were given as amounting to \$123,872.95 annually. As stated these appropriations are matched dollar for dollar by the Federal government.

Courses are given in agriculture, trades and industries, and home economics in the regular day schools, and at present there are in round numbers two hundred centers in which instruction is being given to more than five thousand pupils. In addition, part-time and evening classes have been organized in all three of the subjects and more than fifteen hundred men and women are receiving instruction in these classes.

XVIII

In the rehabilitation service vocational training is given to men and women disabled in industry or otherwise. It is essential that such instruction be given such men and women before they have become burdens on society and have lost the all-important feeling of independence so necessary to every individual who is to play an active and successful part in the affairs of everyday life. The continuance of this service in increasing effectiveness is demanded by every humanitarian consideration.

EXCEPTIONAL EDUCATION

It has long been regarded a State duty to provide for the education of our children. The responsibility has been accepted with wider applications by each succeeding Legislature and at the session of 1915 this responsibility was extended so as to include the adult illiterate, who in many cases through no fault of his own had reached his majority without the ability to read and write. The last Legislature went farther than any preceding one and directed the State Board of Education to organize a division of exceptional education to promote the work of removing adult illiteracy. An annual appropriation of \$12,500.00 was made and through its wise expenditure it has been possible materially to reduce the number of adult illiterates in Alabama. With an adequate appropriation adult illiteracy could be reduced to a minimum before the next Federal Census is taken. I recommend that the appropriation for the removal of illiteracy be increased to not less than \$35,000.00 per annum.

SCHOOL AND COMMUNITY BETTERMENT

Through the creation of the division of school and community betterment in the Department of Education, Alabama put herself in line with one of the most important educational movements of the present day, the community-organization movement, the purpose of which is that the public school and the schoolhouse may be made more valuable to the communities in which the schools are located. This division has direct charge of school improvement, parent-teacher, and community organization work throughout the State. It encourages and co-operates with all agencies designed to foster the betterment of school and community interests.

There are at present 489 school welfare organizations and mothers' clubs with which this division is co-operating. More than a million dollars is raised annually through community organizations of one kind or another. It is apparent, therefore, that the promotion and supervision of community activities along educational lines are proper functions of the State Department of Education.

XIX.

This division was provided for in the Code at the instance of the Alabama Federation of Women's Clubs and through its activities the public schools are coming rapidly to be the civic and social centers of the communities in which they are located. The results obtained more than justify the cost entailed.

NEGRO EDUCATION

Our people are coming more and more to realize that education is a natural right and should be a universal privilege. As a result of this widening conception wherever there is a colored population in our State there is manifest an increased interest in providing for its education. This has been due to several reasons, one of which is economic, it being recognized by the dominant race that in order to secure and retain efficient workers for agriculture and industry in any community it is necessary to provide more adequate educational facilities for their children. Another and higher reason has been the growing conviction on the part of the leading men and women of the South that simple justice and the preservation of the highest interests of this section demand that the negro be given educational opportunities commensurate with his ability to profit by and utilize them in the performance of his duties as a citizen.

With both of these forces at work it has been possible during the past four years to make material progress in negro education, especially along vocational, industrial and moral lines. It is believed that the education provided for the negro should be dominantly industrial and moral rather than dominantly cultural and professional.

In the promotion of negro education the State Board of Education has had the co-operation of the General Education Board, the John F. Slater Fund, the Julius Rosenwald Fund, the Jeanes Fund, and the Phelps-Stokes Fund, for which co-operation all concerned are duly grateful.

REVOLVING FUND

Attention is called to the revolving fund, the reasons for its establishment and the conditions rendering necessary its continuance and augmentation. The amount of taxable property in the several counties varies widely. In a county like Jefferson or Montgomery the three-mill school tax, county and district, together with the State per capita apportionment, supplies funds sufficient to maintain free schools for the white children for terms of nine months and in the former almost similar terms for the negroes; whereas the same taxation in such counties as Cleburne or Lawrence provides school terms of less than five months. Thirty-seven counties have terms shorter than six months.

Facts similar to these caused the Legislature of 1919 to provide a revolving fund of \$100,000.00 annually to be used by the State Board of Education for lengthening terms and otherwise bettering conditions in rural schools, and for worthy purposes for which no adequate provision had been made. During the past year forty-six counties have participated in the distribution of this fund. However, it would require an equalizing fund of at least a million dollars to provide a term of seven months for all of the white schools. An average term of nine months is regarded as the national standard. Alabama should be satisfied with nothing less for her children. I recommend a revolving fund of not less than \$300,000.00.

What have we that may be thought of as having the highest excellence in the matter of constituting a satisfactory system for the education of our children?

1. We have a code of laws providing the machinery for the administration and supervision of the schools second to none in the nation. This is conceded by the educational experts of the country.

2. We have a county unit of school administration approved by educators generally and by students of economy as furnishing the only satisfactory way of bringing the management of the schools close to the people and yet providing units large enough for taxation, support and professional leadership, all of which are essential if there is to be a continuous policy in educational matters.

3. We have a State Board of Education which functions through the State Department of Education, in the organization of which every element of educational service has a representative responsible through the Department to the State Board for promoting that phase of our educational program with which he is specifically charged. The service of this Department is not that of a bureau or agency separate and apart from the actual work of the schools. Each member of the staff has a definite duty to perform, assists and has a part in the actual work of the schools, comes into contact with and learns first-hand the various needs, and out of this knowledge uses every means to secure the greatest returns possible to the taxpayers for expenditures made. In other words, the State Department has ceased to be merely an old-time auditing department and has become a new-time administrative and supervisory department.

4. We have a system of teacher-training in our normal schools for elementary and junior high school teachers second to none. In spite of the limited appropriations, less than half of the average for the nation, these institutions are rendering to the taxpayers a service in the preparation of teachers out of all propor-

tion to the funds provided for their operation. A recognition of this fact on the part of our law-makers can but result in increased support of these institutions.

5. We have three splendid institutions of

HIGHER EDUCATION

namely: the University, the Polytechnic Institute and the Technical Institute and College for Women—all suffering for want of money to sustain them.

None of these colleges has received the support necessary for its proper maintenance. All forward-looking citizens deplore the niggardly treatment they have received from the Legislatures in the past. Better provisions must be made for them if they are to accomplish the work for which they were created. The University and the Polytechnic Institute are now conducting campaigns for the purpose of raising funds for the erection of buildings to meet pressing necessities, and a campaign for Montevallo is in prospect. That money should be paid by the taxpayers of the State as other money is paid for the building of State institutions. The amount of contributions in prospect will be utterly inadequate for the erection of buildings sorely needed, while no provision whatever is being made for the funds necessary for the increased costs of maintenance. Something must be done and it must be done at once. A bond issue for the benefit of the State colleges has been suggested. There are sound reasons why a millage tax is to be preferred to a bond issue. In the first place, the millage tax would guarantee a more permanent solution of the problem, whereas a bond issue would constitute nothing more than a temporary and partial remedy and would entail a perpetual annual interest debt. In the second place the millage tax would provide more comprehensive relief for the reason that money thus secured could be used both for building and for maintenance purposes, while the proceeds of a bond issue would obviously be absorbed in building purposes alone. While the institutions sorely need additional buildings and equipment there is a still more vital need of larger maintenance funds. It must be kept in mind that the main thing after all, is effective teaching, which costs money. As between inadequate buildings and inadequate teaching there can be but one choice.

An amendment to the Constitution providing for a millage tax would be in line with modern procedure in many progressive states. I recommend the submission of an amendment to the Constitution providing a permanent millage tax for buildings, equipment and maintenance for the University of Alabama, the Alabama Polytechnic Institute, the Alabama Technical Institute and College for Women, the Class A normal schools and the A.

& M. College for Negroes, to be apportioned according to the needs of each institution. The submission of an amendment would require time, while the institutions are in immediate need of larger maintenance funds. So, therefore, I recommend that the funds for the maintenance of all the institutions mentioned above be increased not less than fifty per cent for the first year of the ensuing quadrennium and that substantial increases be made for each of the succeeding three years to meet the growing yearly demands.

Adequate financial provision for higher education, essential as it is, carries with it another responsibility on the part of the State. I refer to the responsibility of requiring a sane and economical use of the money made available, whether by appropriation or by a bond issue or by a millage tax. Wise regulation of the use of money devoted to higher education means that a million dollars will go farther than two millions under a system of useless duplication of institutional effort. Can we justify to ourselves or to the taxpayer any policy that involves a plain refusal on our part to demand the economical expenditure of money devoted to higher education?

Entertaining this conviction the Legislature four years ago created a commission to study the whole problem, to which reference has heretofore been made. This commission brought to its aid the best expert advice. Certain conclusions were reached. These conclusions were publicly announced. It was thought that the problem had been solved. I regret, however, to report that the program has already been largely defeated by subsequent events. The result is that the Legislature alone, under the limitation of the present Constitution, is capable of dealing with the situation effectively.

The Legislature can, if it so elects, condition the appropriation of money to higher education upon a faithful performance by each institution of higher learning of the precise service it is designed to render. Or perhaps a more satisfactory method of securing the faithful performance of services according to the agreed program would be the placing of all institutions of higher education under one governing body, either a general board of trustees or the State Board of Education. My judgment is, and it is the judgment of educators with whom I have discussed the subject, that the latter is the better plan and I, therefore, recommend that you submit to the voters an amendment to the Constitution to provide that the University of Alabama, the Alabama Polytechnic Institute and the Alabama Technical Institute and College for Women be placed under the management of one board of trustees, to be appointed by the Governor and confirmed by the Senate, or the State Board of Education.

XXIII

If the law-making power fails to do its plain duty in this respect, there will be an ever-increasing duplication of work resulting in wanton waste of the taxpayer's money. There will be an ever-increasing spirit of institutional antagonism. There will be a lamentable lack of institutional unity and efficiency, which will delay indefinitely the building of a comprehensive modern system of higher education. A reasonable regard for the rights of the taxpayer demands that the Legislature shall require the institutions of higher learning to subordinate their own individual ambition to the larger good of the State. Naturally each institution, if left unrestricted in its program, will be tempted to view the problem from its own viewpoint. There will inevitably result conflicting action. The question is: Who shall decide what is the sane and right thing to do? Only the disinterested expert is qualified to render that service. Four years ago we summoned a body of experts to show us the way. We have on record their findings. Shall we follow them?

No one will dispute the fact that civilization itself advances only as the expert is respected and his leadership followed. Shall we refuse to accept the findings of our own experts in this matter? Are we to ask the taxpayers to meet the useless expense involved in a refusal on the part of their representatives to meet courageously this issue? If we refuse to meet it, chaos will result. Money will be wasted. The partisan spirit will flourish ever more and more. Inefficiency in the whole field of higher education will be the certain fruit of our folly.

Our institutions of higher learning need money, and must have it. But, in giving it to them, we owe it to them and to the taxpayer to demand, in advance of embarking on any program involving largely increased expenditures, that disinterested, expert advice shall be respected by them in formulating the curricula they adopt. That is the only way to guarantee economy and efficiency. On that basis, and no other, would I advocate the larger program and expansion implied by my recommendation for largely increased appropriations through a levy of a millage tax.

ALABAMA SCHOOL FOR THE DEAF
ALABAMA SCHOOL FOR THE BLIND
ALABAMA SCHOOL FOR THE NEGRO DEAF AND BLIND, TALLADEGA, ALABAMA

From the report of the Board of Control and Economy:

"These three schools are under one management and while mentioned separately, they are operated together, hence will be referred to here in a group.

On assuming control of these schools granted the Board by the Act creating it, they were visited by members of the Board, and a survey made of them, with recommendations.

XXIV

It was found that these schools did not own sufficient land to operate a farm or garden of any great extent. The inmates of these schools remain only through a school period of nine months, consequently but little attention has been given the farms and gardens at these places. General sanitary conditions and housing conditions were found to be very good at these institutions. Such defects as were noted were of minor importance and readily remedied. Few important changes of specific nature have been made in the management or method of conducting these schools.

At the School for the Deaf they have added to the faculty a teacher in lip-reading, and obtained excellent results. A linotype machine has been added to the printing equipment of this school where they have been turning out very good work. Their vocational shops have been overhauled and are now in use by the institutions.

The School for the Blind has added to their faculty a teacher in fancy work and basket weaving, and has accomplished a great deal. A player-piano has been added to the equipment of this institution to aid them in their studies to qualify as piano tuners.

A method of issuing supplies and keeping track of same has been installed by the Board, as has been done at all institutions. The store rooms at each institution are taken charge of by one person, and the supplies issued to the culinary departments daily, and a report of same made to the Board monthly on what is known to us as a Ration Sheet, the correctness of which is certified to by the head of each institution.

An audit of the books of these institutions revealed the fact that they were all in debt when the Board of Control and Economy took charge, and were operating under great difficulty, and with the high cost of commodities used by them, and their inability to produce same, it was evident that relief could only be had by an appropriation giving an increase in maintenance.

Under provision of an Act approved September 30, 1919, to be found on page 797, the maintenance appropriation for the School for the Blind was increased from \$230.00 to \$300.00 per annum per capita.

Under provision of an Act approved September 30, 1919, to be found on pages 801 and 802, the maintenance appropriation for the School for the Deaf was increased from \$230.00 to \$300.00 per annum per capita.

Under provision of an Act approved September 30, 1919, to be found on pages 753 and 754, the maintenance appropriation for the School for the Negro Deaf and Blind was increased from \$230.00 to \$300.00 per annum per capita.

All of the schools are now living within their income. During the fiscal year just passed they have made substantial payments on the outstanding notes given by the Principal, F. H. Manning, to cover accumulated deficits resulting from inadequate appropriation previous to the Acts of 1919 increasing same.

If additional lands could be acquired on which to employ the deaf in gardening, and truck growing, also dairying and poultry raising, they would have an opportunity over what they now have, to increase their earning capacity after they leave the school. The lands adjoining the school property, however, are held at a very high price, and it is doubtful if sufficient of it could be economically acquired for this use.

The principal of the school, F. H. Manning, is asking for additional appropriation in order that he may employ for the School for the Deaf a teacher of manual arts, a teacher of domestic science, an additional literary teacher, an instructor in tailoring and an instructor in shoe-making; for the School or the Blind, two additional teachers, and two teachers for the School for the Negro Deaf and Blind.

XXV

The attendance at all three schools has increased largely during the last two years, and if it continues to increase new buildings and equipment will be necessary to accommodate these schools."

I recommend that an appropriation be made for the purchase of the land required for the purposes mentioned in the report above, including a first-class dairy and cows sufficient to supply the schools with milk and butter; also for the employment of the teachers and instructors asked for by Mr. Manning.

PUBLIC ROADS

It would be superfluous to discuss the value of improved highways and bridges. The subject has been thoroughly considered in two campaigns which were conducted in the interest of amendments to the Constitution of the State providing for the issue of \$25,000,000 road and bridge bonds. At the first election the amendment was ratified by a vote of 83,607 for the amendment to 12,026 against. The second election resulted in the ratification of the amendment by a vote of 111,524 to 22,918. It is therefore certain that the people of the State are thoroughly committed to the policy of building a system of improved highways and bridges. For details of the building of roads and bridges, completed, under process of construction and projected, I refer to the report of the State Highway Engineer. That report speaks for itself and shows good progress under the difficult circumstances.

I have just three recommendations to submit touching the subject:

First: That the Highway Commission be reduced in numbers. My judgment is that more satisfactory results would be obtained by a well-paid commission of three members, or by the employment of one man to serve as Commissioner of Roads and Bridges, vested with all the authority that is now vested in the Highway Commission. The salary should be sufficient to command the services of a high class, outstanding business man. It is my firm conviction that such a man devoting his entire time to the work would save the State many times the salary paid him and that the results would be very much more satisfactory to all concerned than can be expected from any unpaid commission whose members devote but a day or two each month to the work.

Second: Better provision should be made for the maintenance of roads. Constant repairs are absolutely necessary. Under the system which has prevailed heretofore a great part of the money spent for the building of roads has been absolutely wasted. To accomplish the necessary protection to the roads more funds will be required than are now provided for by law. I would recommend the levy of a tax of not less than two cents

XXVI

per gallon on gasoline, all of the proceeds to be devoted to the upkeep of roads built with State and Federal funds.

This is a matter of tremendous importance. To neglect it will cost us millions of dollars; to take hold of it and solve the problem will save us millions. I solemnly warn the Legislature and the people of Alabama that if adequate provision is not made to protect the roads which will be built with the proceeds of the \$25,000,000 of bonds that money will be wasted in a very short period of time. I firmly believe that it would be wiser to stop right where we are and not build another mile of road than to go on with the program without providing the means for proper and sufficient maintenance.

Third: The weight of trucks allowed on the public highways should be limited to a tonnage that would protect the highways against the terrible abuse to which they are being subjected. Thousands of dollars of good roads are being daily destroyed or rendered almost unfit for use by these heavy vehicles operated for private gain. I strongly recommend that this matter be carefully investigated and that laws be enacted for the protection of the roads against these road-destroying vehicles. Furthermore, the license tax on motor trucks is entirely too small and should be materially increased. It will scarcely be possible, even with weights regulated, ever to compel these freight carrying trucks to pay a tax which will approximate the amount of damage they inflict on the highways.

ALABAMA SEAPORT AMENDMENT

Ratification of the Alabama Seaport Amendment by the voters in the November election provided a plan for State development which is as complete as can be made. The action of the people in approving the constitutional amendment is cause for congratulation. It shows that they can be trusted to do the proper thing when they have received full information regarding the subject.

The development of the port at Mobile should benefit every citizen of Alabama. This development will be an invitation to the ships of the world to make Alabama's port a stopping place for the loading of the immense cargoes which are now passing our own port en route to the port of another state. It will be an invitation to all developers of industry to use the giant waterway system developed by the American government—the Warrior river. It will be a means of stimulating business in general because water transportation means lower freight rates and lower freight rates mean a greater movement of commerce and a greater movement of commerce means the financial betterment of every citizen.

XXVII

Every patriotic and enterprising citizen now looks forward to the day when Alabama cotton will move to foreign markets from Alabama's seaport and when Mobile will be the concentration point for the commodities of the Southern States.

The people have said that the seaport should be developed and have provided the means for the development. It is now the duty of the State to complete this development at the earliest possible moment consistent with good business practices. But the people would not have the State sacrifice their money for the sake of speed. It would be far better if there were some delay in development if such delay would mean the protection of the State's money.

It is now the plan of the State Harbor Commission to have engineers make thorough surveys of the State's harbor front and facilities and prepare recommendations before starting the development. This is commendable and I would urge the Legislature to lend whatever assistance it may deem necessary in furthering this plan.

In this development it is not necessary that a few persons extort money from the seaport development fund. It is within the power of the Legislature to safeguard expenditures. If there are any persons, resident or non-resident, who hope to dispose of their property at prices disproportionate to their value it is the duty of the State to use the statutes permitting the condemnation of property for public purposes. If these statutes are not broad enough the Legislature holds the remedy within its hands.

While the people have provided the funds and approved the development program, in the final analysis the responsibility for the actual development and the responsibility for the use or misuse of the public funds will be upon the Legislature.

BUDGET SYSTEM

Of prime importance and far-reaching effect was the adoption of a budget system. The budget law provides for a commission composed of the Governor, the Attorney General, and the State Auditor, charged with the duty of preparing and submitting to the Legislature within fifteen days after it convenes in regular session a budget for the ensuing four fiscal years. Said budget shall contain a complete plan of proposed expenditures and estimated revenues for the ensuing quadrennium. It is provided further that the Governor shall transmit to the presiding officer of each house bills for all proposed appropriations of the budget, clearly itemized and classified, and secure their introduction in each house as soon as practicable. A further and most important provision is that the Legislature will not alter said

XXVIII

bills except to strike out or reduce items therein unless by a vote of two-thirds of the members elected to both houses. There are other wise provisions in the law designed to prevent the over-appropriation of the public funds. This system or some other with similar purpose should be incorporated in the Constitution of the State, thereby forever keeping the expenditures within the income.

FINANCES AND TAXATION

The tax question is difficult, complex and vexatious. The most intelligent and painstaking examination and unselfish consideration are essential to its wise solution. Progress was made by the Legislature of 1919 with results as satisfactory perhaps as could be expected under our Constitution. An amendment to the Constitution broadening the powers of the Legislature so that it might classify property and apply lower rates to personal property than the rates applied to real property would, in my opinion, produce general satisfaction. The higher rate applied to personal property seems to be an irresistible temptation to many owners of such property to conceal it from the assessor, whereas a lower rate would be likely to bring hundreds of millions of values out of hiding and greatly increase revenues. However, this Legislature must work under the Constitution as it is written and therefore any suggestion for the classification of property can be adopted only for the use of a succeeding Legislature. I recommend the submission of such amendment.

It is a matter of congratulation and just pride that I am able to state that our finances are in a healthy and prosperous condition. It has not been necessary to borrow any money since November, 1920, when the last loan was negotiated. A considerable sum of interest money has been saved. The State has discounted all bills subject to discount and quite a sum has been saved in that way.

At the close of the fiscal year September 30, 1922, the State was free of floating indebtedness, \$500,000 of the bonded State debt had been retired and a good working balance was in the treasury. I refer to the Auditor's report for details.

The confidence of the public in the credit of the State was favorably shown by the terms on which \$3,000,000 of the issue of \$25,000,000 road and bridge bonds were taken. Those bonds bearing $4\frac{1}{2}$ per cent interest were sold at a slight premium over par and accrued interest.

I call your attention to the following excerpt from the very able, clear and satisfactory preliminary report of the State Tax Commission, embracing the period from October 1, 1919 to September 30, 1922. I heartily approve the suggestions of the Com-

XXIX

mission for the levy of an income tax and for the amendment of the laws governing the assessment of property. I earnestly commend them to your favorable consideration, firmly believing that when you fully realize the obligation resting upon you to provide the funds necessary for the proper conduct of the government you will hesitate to destroy the only system of assessment that has ever produced anything approaching equalization and substitute therefor a system such as has been suggested and which would, in my judgment, produce what would be practically government by voluntary contribution. Names of officers may be changed without damage to the assessment machinery, but the destruction of the principle underlying the present system would prove disastrous. It would mean a stoppage of all progress and a backward movement all along the line. It would mean one of two things, viz.: either reduced appropriations for education, for Confederate soldiers, for the insane hospitals, and other eleemosynary institutions and for practically all other purposes, or the creation of a huge floating debt and consequent injury to the credit of the State. The quotation from the above mentioned report follows:

PROPERTY ASSESSMENT

"In every law covering the assessment of property the most important consideration should be that ample measures are provided for securing equalization. This truth is universally recognized, but it has been asserted so often that it apparently no longer makes an impression on the minds of those who are responsible for the revenue laws of this State. If the tax laws of Alabama for the past twenty-five years relating to the assessment of property are to be taken as evidence, and if the Legislatures enacting these laws have represented the true sentiment of the people, the conclusion must be reached that the people of the State do not want equalization in the assessment of property. A careful study of the revenue laws enacted in the last quarter of a century shows that not under any one of them, with the possible exception of the law of 1919, was equalization possible.

Under all of these laws final decision of assessment valuations has rested with Courts of County Commissioners and County Boards of Revenue, or with petty juries in Circuit Courts. There are sixty-seven Courts of County Commissioners or Boards of Revenue in Alabama, each composed of from three to five members. To suppose that the decisions of these Boards would result in State-wide equalization is to suppose that the several hundred members of these Boards are possessed of equal intelligence and character, have had the same knowledge and experience in tax matters, are controlled by the same motives and purposes, and are equally capable of resisting the influence of locally important citizens. Such a supposition, of course, could not possibly be well founded.

Still more absurd, if equalization is desired, is the plan of leaving the question of valuation of property to petit jurors. Even two juries on the same day and in the same court will, in a large majority of cases, render verdicts entirely out of line with each other so far as equalization is concerned.

We think the question whether equalization is really wanted should be faced squarely and answered honestly. If the answer is in the affirmative,

XXX

this Commission is of the opinion that to secure it the State must supersede the county as the unit for assessment valuations, appeals to petty juries must be abolished and a sufficient sum must be appropriated for a thorough investigation and revision of tax valuations throughout the State.

It is contended by some that a law which does not provide for an appeal to a court in which a trial by jury can be had would not be constitutional, because of the provision in our State Constitution against abridgement of the right of trial by jury and the "due process" clause in the Fourteenth Article of the Federal Constitution. In the opinion of this Commission, this contention is not sound and is contrary to the view taken by all well known authorities on taxation. These authorities hold that the constitutional provisions referred to have no application to revenue laws. Cooley, in discussing this question, citing numerous authorities for the conclusion reached, says:

'Such a construction applied to tax cases would work a thorough and radical change in the principles on which taxation is now supposed to rest. It would cripple the legislative power and subject the action of the department whose function it is to make laws on its own views of the question of public interest and public policy which the laws involve, to a review and possible reversal at the hands of a jury. . . . To make juries the assessors of the claims of the State upon individuals could only introduce anarchy; one jury reaching one conclusion regarding the public needs and the justice of its demands, and another another, until the State would be without general rule, and must fall to pieces from the incurable insufficiency of its government. Such construction of a clause agreed upon as an important provision in a charter of government can never have been intended.'

Our own Supreme Court holds that constitutional provisions relating to the right of trial by jury have no application to tax laws. In the case of *State vs. Bley*, 162 Ala. 239, our Court decided that "the constitutional right to trial by jury is not an enlargement of the right nor does it extend to cases in which it did not exist at the time of the adoption of the Constitution; it does not extend to taxation proceedings."

While a system of taxation, such as that in Alabama, in which the county is made the unit of taxation, practically renders equalization impossible, it is undoubtedly true that in the Revenue Act of 1919 an important step towards equalization was taken in providing for the appointment of Tax Adjusters to be paid salaries, instead of fees or commissions, and to work under the direction and control of the State Tax Commission.

Realizing the possibilities of a better equalization under this law, the Commission at once called a meeting at Montgomery of the Tax Adjusters. This meeting was called principally for the purpose of impressing upon the Adjusters the fact that this Commission regarded equalization,—not alone as between individuals, but as between counties, as the most important feature of assessment valuations. This has been the fixed policy of this Board and this policy has been time and again impressed on Tax Adjusters by correspondence, by general letters of instruction and by visits of representatives of the Board to the different counties.

In its work of equalization, the Commission soon discovered that there were certain classes of property, such as stocks of merchandise, machinery, and materials of manufacturing companies, etc., the true value of which could not be determined by a simple inspection by Tax Adjusters. Determination of these values required a knowledge which, in the judgment of this Board, could only be secured by an intelligent examination of the books of the owners of the property. We believed that the law gave to the Commission the right to have these examinations made and that we could not proceed intelligently in the work of equalization without the knowledge gained in this way. We, therefore, employed and trained a number of accountants for this work. In the main the taxpayers of the State permitted the exam-

ination of their books without objection, but in Birmingham and Montgomery a considerable number of the larger taxpayers denied the authority of this Commission to examine the books of taxpayers. It became necessary to institute a test suit to determine whether or not the Commission was given by law the authority claimed. In the final decision of this test suit by our Supreme Court, the contention of this Board was sustained. In some respects, however, the decision of the Court is not so complete as to remove all doubt and we recommend that the right of the Commission to examine books be made clear, full and explicit in whatever law may be enacted by the next Legislature. We regard this matter as of the highest importance. In our judgment, no one thing which this Commission has been able to do has been and will continue to be of so much benefit to the State as the assertion of the right of the State, through duly accredited agents, to examine books of taxpayers. This right is fundamentally an essential of fair and equal valuations of property and without it there can never be even an approximate equalization of assessment.

While equalization in Alabama is not yet an accomplished fact, it cannot be denied that the work of this Commission through the Tax Adjusters has resulted in a better equalization of property assessments in Alabama than ever before known in the history of the State.

This better equalization of tax valuations, based on the common standard of sixty per centum of actual values, has resulted in a large increase in total assessment valuations and a corresponding increase in both State and county revenues.

As a matter of general interest we submit below a statement of the average total of assessments for each four-year period since 1903:

	Average Total.	Increase.
1903 to 1906, inclusive.....	\$ 339,838,218.00	
1907 to 1910, inclusive.....	477,747,854.00	\$ 137,909,636.00
1911 to 1914, inclusive.....	576,135,391.00	98,387,537.00
1915 to 1918, inclusive.....	669,293,010.00	93,157,619.00
1919 to 1922, inclusive.....	896,471,424.00	227,178,414.00

In comparing the past four-year period with the four-year period preceding, cognizance is taken of the fact that for three years of the latter period the assessment was made in 1916, when the ravages of the boll weevil had been unusually large and when there had been a great destruction of crops by floods.

Notwithstanding the fact that the last four-year period includes the tax year 1919, in which the assessment was substantially the assessment made in 1916 under the 1915 Act, the increase is more than double the increase for any preceding period except the period 1907 to 1910, inclusive. If the year 1919 be excluded, the average annual assessment under the present law for the years 1920, 1921 and 1922 would be \$951,203,603.00, an increase of \$281,910,593.00, or over 42% as compared with the four-year period 1915 to 1918 under the 1915 law.

We think the figures given in this report clearly show that the present law is the best under which the State has ever operated. Not only is there a better equalization of taxes, but the increase in assessment valuations and revenue, greater proportionately than under any previous law, shows that this increase is due, not alone to the natural growth and progress of the State, but to a better administration in the matter of assessing property, made possible by the Revenue Act of 1919.

It has been claimed that the increase in assessment valuations of property has placed upon the people an excessive burden of taxation. During the past year when a political campaign for nearly all important State and county offices was being conducted, this claim of excessive taxation became

the popular cry of nearly all candidates, more probably in most cases as a means to an end than from conviction. So far as we have heard, no candidate advocated a reduction of the activities of the State government for the public good and none offered a suggestion of a means by which these activities could be maintained with a material reduction in State income. If some unpopular feature of the present law,—unpopular because of its efficiency,—is to be gotten rid of, additional taxes from other sources must be created if the usefulness of the State government is not to be impaired.

The wisdom of abandoning a law, the efficiency of which has been demonstrated, and of substituting therefor one creating new taxes which may prove equally unpopular may well be questioned.

But is it true that there is excessive taxation under the present law? If so, it is because of the high rate levied by the counties of the State,—not because of any State law, but because the citizens of the counties have voted and are continuing to vote upon themselves special taxes for schools and other purposes. Would they continue to vote in favor of these special taxes if they were already overburdened with taxation?

But, however this may be, this Commission is convinced that no excessive taxes are being collected for State purposes. In support of this opinion we call your attention to the following facts:

First. Figures submitted to you some months ago, which we do not think it necessary to reproduce here, showed that the tax rate in Alabama for State purposes is less than in any other Southern State except one and that it is the same as in that one.

Second. Taxes cannot be excessive in at least fifty-two counties of the State, because in each of these fifty-two counties the taxes paid to the State, including property taxes, business licenses, hunters' licenses, mortgage taxes, solicitors' and trial fees and poll taxes, total less than the amount returned to the same counties by the State for public schools, court costs, Confederate pensions, feeding prisoners, etc. In other words, in these fifty-two counties, taxes paid to the State are equivalent to an investment which is repaid in full each year and an added profit considerably more than the eight per cent which the State fixes as a fair return for the use of money. It is difficult to see how State taxes can be excessive under these circumstances.

It is worthy of note that most of the complaint of excessive taxation comes from the fifty-two counties favored, as here explained, in the distribution of State funds.

We attach hereto, Exhibit B, a statement showing the amount paid into and received out of State funds by each of the counties in the State.

Third. In the assessment of property there has been no over-valuation, as has been frequently claimed. This Commission, through its field agents and tax adjusters, had examinations made of the deed records in each county of the State, covering a period of several months just before and after October 1st of the tax year. Deeds do not always express the true consideration for the conveyance of property, even when they purport to do so. It has grown to be almost a custom to express in conveyances a consideration less than the true one in order that tax officials may not find out the real value of property. Nevertheless, from reports furnished this Commission only a few instances were found,—not more than a dozen in the entire State,—in which the assessment exceeded sixty per cent of the consideration shown by the deed. The reports as a whole showed that the average assessment was a fraction more than forty per cent of the sale price as expressed in the recorded conveyances.

Of the 32,818,560 acres in Alabama the Federal census classes 19,576,856 acres as "land in farms" and estimates the value of these farm lands, with improvements thereon, at \$543,657,755.00. Assessments in this State on the same class of property, as nearly as comparison can be made, total approxi-

XXXIII

mately \$230,000,000.00, or about forty-two per cent of the Census estimate.

We believe that the percentage of actual value at which assessments have been made, as shown by the record of deeds and by the United States Census, represents fairly the general level of all assessments in the State and that there never has been, except in a few cases where errors were made, any over-valuation of property by tax officials.

A further evidence that there has been no over-valuation of property is the small number of appeals by taxpayers from the decision of tax adjusters. There are in round numbers some 300,000 tax assessments made in this State each year. Of the total number of assessments made in the entire State the appeals from the decision of the Tax Adjusters to Court of County Commissioners or Boards of Revenue were 460 in the year 1920, 85 in the year 1921, and 148 in the year 1922. These appeals could have been made by taxpayers dissatisfied with valuations fixed by the tax adjusters without expense and without even the necessity of the employment of an attorney. The fact that so few appeals were made indicates that taxpayers were not dissatisfied, but believed that all assessments were being made on a basis of equality and as provided by law.

4th. It can hardly be said that excessive taxation exists when expenditures by the State for the direct and immediate benefit of the people exceed the total amount of taxes paid. In Alabama the entire cost of government and many other State expenses of indirect but material benefit to citizens of the State are more than met by income derived from sources other than taxation of the property or people of the State. In other words, the total amount of taxes paid by the people and on the property of the State is not sufficient to meet State expenditures for schools, public health and Confederate pensions. In substantiation of this statement we invite attention to the following:

1919

Property tax	\$ 4,388,299.00
License tax	451,347.00
Total tax collected.....	\$ 4,839,646.00

Expenditures:

School and other educational institutions.....	\$ 3,750,822.00
Pensions	960,836.00
Insane Hospital	462,819.00
Public Health	34,200.00
Total.....	\$ 5,208,776.00

1922

Property tax	\$ 6,184,045.00
License tax	568,273.00
Total tax collected.....	\$ 6,752,318.00

Expenditures:

Schools and other educational institutions.....	\$ 6,269,596.00
Pensions	1,269,363.00
Insane Hospital	708,752.00
Public Health	173,056.00
Child Welfare	30,746.00
Total.....	\$ 8,451,513.00

XXXIV

Four-Year Period, 1915 to 1918, Inclusive

Property tax	\$16,114,768.00
License tax	1,403,237.00
Total tax collected.....	\$17,518,001.00

Expenditures:	
Schools and other educational institutions.....	\$13,281,758.00
Pensions	3,986,832.00
Insane Hospital	1,389,551.00
Public Health	101,720.00
Total.....	\$18,759,861.00

Four-Year Period, 1919 to 1922, Inclusive

Property tax	\$21,032,549.00
License tax	2,240,601.00
Total tax collected.....	\$23,373,150.00

Expenditures:	
Schools and other educational institutions.....	\$19,935,321.00
Pensions	4,783,672.00
Insane Hospital	2,446,804.00
Public Health	518,254.00
Total.....	\$27,684,051.00

The several statements above cover a period of eight years, though any one year would have served as an illustration. We thought it best, however, to cover the last eight years lest it might be thought that we selected some one year in which the facts supported our statement when the facts were not the same for other years.

RECAPITULATION OF PUBLIC UTILITY ASSESSMENTS

	1919	1920	1921	1922
Steam Railroads:				
Tangible	\$ 92,276,929	\$101,702,490	\$103,983,077	\$106,648,771
Intangible	12,990,926	12,314,605	10,477,657	5,745,404
Total.....	\$110,267,855	\$114,017,095	\$114,460,734	\$112,394,175
Docks and Terminals:				
Tangible	\$ 1,013,000	\$ 1,222,313	\$ 1,222,913	\$ 1,222,913
Intangible	None	2,000	2,000	1,000
Total.....	\$ 1,013,000	\$ 1,224,313	\$ 1,224,913	\$ 1,223,913
Express Companies:				
Tangible	\$ 103,666	\$ 101,672	\$ 114,155	\$ 154,196
Intangible	None	None	None	None
Total.....	\$ 103,666	\$ 101,672	\$ 114,155	\$ 154,196
Sewer Companies:				
Tangible	\$ 39,600	\$ 36,000	\$ 36,000	\$ 36,000
Intangible	None	None	None	None
Total.....	\$ 39,600	\$ 36,000	\$ 36,000	\$ 36,000

XXXV

Electric Light and Power Companies:

Tangible	\$ 2,859,934	\$ 3,732,343	\$ 4,238,459	\$ 4,858,248
Intangible	341,449	454,513	527,616	686,854
Total	\$ 3,201,383	\$ 4,186,856	\$ 4,766,075	\$ 5,545,102

Gas Companies:

Tangible	\$ 654,180	\$ 708,337	\$ 838,617	\$ 1,194,397
Intangible	50,000	112,670	5,000	5,000
Total	\$ 704,180	\$ 821,007	\$ 843,617	\$ 1,199,397

Street and Suburban Ry. Companies:

Tangible	\$ 8,127,976	\$ 7,926,383	\$ 11,803,249	\$ 12,355,778
Intangible	3,826,699	3,883,482	192,297	287,072
Total	\$ 11,954,675	\$ 11,809,865	\$ 11,995,546	\$ 12,642,850

Water Works Companies:

Tangible	\$ 3,230,731	\$ 3,313,590	\$ 3,780,894	\$ 4,088,109
Intangible	150,000	80,000	50,000	340,000
Total	\$ 3,380,731	\$ 3,393,590	\$ 3,830,894	\$ 4,428,109

Class "A" Telephone Companies:

Tangible	\$ 4,697,882	\$ 5,325,799	\$ 6,231,705	\$ 7,135,232
Intangible	779,250	969,757	443,465	602,650
Total	\$ 5,477,132	\$ 6,295,556	\$ 6,675,170	\$ 7,737,882

Class "B" Telephone Companies:

Tangible	\$ 224,629	\$ 321,264	\$ 365,417	\$ 377,510
Intangible	5,000	41,913	45,176	89,279
Total	\$ 229,629	\$ 363,177	\$ 410,593	\$ 466,789

Total Public Utility Assessments:

Tangible	\$118,228,527	\$124,390,191	\$132,614,486	\$138,071,154
Intangible	18,143,324	17,858,940	11,743,211	3,757,259
Total	\$136,371,851	\$142,249,131	\$144,357,697	\$145,828,413

The foregoing "Recapitulation of Public Utility Assessments" shows the aggregate of the assessments of the public utilities of the State, both as to tangible and intangible assessments for each year of the present administration. The tangible assessment is based as nearly as possible at 60% of the reproduction cost of that part of the property which is fixed and cannot be sold, except as junk, in any other way than in its fixed condition for the purpose for which it is being used. This is always done where the usual net profits are sufficient to pay a reasonable return on such valuation. As to property which is movable, such for instance, as rolling stock upon steam railroads or street railroads, this is valued, as to tangible value, at 60% of new stuff of the same kind, less depreciation. Where a public utility is usually making a net profit of more than enough to pay a reasonable return upon the 100% value ascertained as before said, an intangible assessment is made by capitalizing the whole usual net profits at the then prevailing rate for money borrowed for use in such an enterprise, then taking 60% thereof and deducting therefrom the tangible assessment. The residue thus obtained is the intangible assessment, where the enterprise is of a permanent nature with a probable future at least equal to its past. Examples of such property are the L. & N. Railroad, Central of Georgia Railway, and many other pub-

lic utilities. But where the enterprise is small, without any special future, and the amount of net profits during any year depend almost entirely upon the ownership and management during such year, a larger per cent of net return is allowed. It is, therefore, clear that the intangible assessments will vary not only with the actual amount of usual net profits, but also with the condition of the money market during such period. For instance, prior to the world war, money could be borrowed by well established railroads and some other public utilities for an interest rate of five or six per cent, while since the world war the rate has usually been as much as eight per cent per annum. It, therefore, follows that a public utility before the world war was worth an amount which its usual annual net profits would capitalize at six per cent, while since the world war it would be worth an amount which the usual net profits would capitalize at eight per cent. In other words, the fair market value of the property, which is, of course, what we are trying to ascertain, would be ascertained substantially along those lines.

It will thus be seen that usual net income is largely the determining factor in ascertaining the full assessable value of a public utility. The law provides that the intangible assessment may be arrived at by adding together the value of the bonds and other indebtedness carried by a public utility to the value of the capital stock, taking 60% thereof, and subtracting therefrom the amount of the tangible assessment; but this method is impractical and fails in practically every instance to get the full benefit of the intangible value. This is for a very palpable reason which is that, as a rule, it is impossible to find the market value of the majority stock, which controls the enterprise. This is seldom put upon the market and is greater always than the value of minority stock which is put upon the market. As has been said before, 60% of the real fair market value of the property of public utilities is what is being sought, and since most public utilities are monopolies to a large extent and their earnings are governed largely by the rates of charge for services allowed, the value of their property stands upon a different basis from that of ordinary private property and should not vary as does private property. According to the general understanding, they are entitled to a reasonable return upon actual investment and no more. In times of stress, the rate making power should and does increase the rate so that such return may be made, and in prosperous times the rate making power should, and sometimes does, decrease the rate so that they may make only a reasonable return. If this rule is strictly followed by the rate making power, then there cannot be very great changes in tax assessments of the property of public utilities except as they are improved and extended, or as they are depreciated or dismantled in part or in whole.

We wish to say also that the properties of public utilities have been assessed for the past ten or eleven years at substantially 60% of their fair market value while other property has not on the average been anywhere near it until within the last three years. A great deal of it is still below that mark though the State Tax Commission has used its best efforts to equalize all assessments on a 60% valuation.

We have made the foregoing observation for the reason that there has been some criticism in letters from private persons published in some of the newspapers of the State upon the fact that the assessments of the property of public utilities has not been increased to the extent that the property of private persons and corporations had been increased. In each letter of this kind that has come under our observation, the facts and figures were cited which apply to the express companies only, where the intangible value, which at one time was the largest in proportion to the tangible value of any public utility in the State, has entirely vanished. For instance, take the assessments for the years 1916, 1917, and 1918, against the Southern Express Company. For the year 1916 the assessment was, tangible \$56,103.00, while the intangible based upon excess income was \$600,000.00. In 1917 the

XXXVII

tangible assessment was \$57,139.00, and the intangible \$600,000.00. In 1918 the tangible assessment was \$63,186.00, and the intangible was \$400,000.00. There was during that period only one other express company doing business in the State; this was the American Express Company. It did a very small business and owned very little property. Its assessment was for 1916, tangible \$2,095.00, intangible, none; for 1917, \$2,509, intangible, none.

During the years 1916 and 1917 the Southern Express Company made a net profit of about \$65,000.00 on about a \$100,000.00 investment, hence the large intangible assessments.

On July 1st, 1918, the railroads then being under Federal control, a new corporation was then formed, viz.: The American Railway Express Company, and the properties of the American Express Company and the Southern Express Company were transferred to the American Railway Express Company. The two former went out of business and have been out of business ever since. No assessment has been made or could have been made against either the Southern Express Company or the American Express Company since 1918, the year before the present administration began. For the year 1919 the American Railway Express Company made no report to the State Tax Commission and the State Tax Commission made a tentative assessment against it, tangible \$60,677.00, intangible \$400,000.00, the same being substantially the same as the combined assessments of the Southern and American of the year before. From this assessment the American Railway Express Company appealed to a Board of Arbitration and there showed by competent witnesses, who were acquainted with the facts, that the company had made no profits anywhere since it began business July 1st, 1918, but had suffered loss. There could not be any intangible assessment, but by agreement the tangible assessment, together with penalty for failure to report to the State Tax Commission, was placed at \$103,666.00. For the years 1920 and 1921, the reports of the American Railway Express Company have shown deficits as follows: for the year 1920, \$173,536.39; for the year 1921, \$284,452.28. For the year 1922 the report shows a net income after paying taxes of \$2,628.78. From the foregoing it is clear that there was no ground upon which an intangible tax could at any time be levied against the American Railway Express Company. The tangible property of said express company is now assessed at \$112,696.00 as against \$63,186.00 for the Southern Express Company in 1918, the last year it was assessed. Besides, since the railroads were returned to private control, the Southeastern Express Company has been formed and has operated in the State. Its assessment for the present year is, tangible \$42,444.00. So we see that the tangible assessment of the property of all express companies in the State in 1918 amounted to

Southern Express Company.....	\$ 63,186.00
American Express Company.....	2,509.00
Total.....	\$ 65,695.00

while the tangible assessment of all express companies in the State for the year 1922 amounted to

American Railway Express.....	\$112,696.00
Southeastern Express Company.....	42,444.00
Total.....	\$155,140.00

It will be seen from the foregoing that while all intangible values have been lost, due to the fact of the great reduction or total loss of net profits by the inroads of the parcel post, rate reductions and the effects of the

XXXVIII

world war, still the assessment of the actual tangible property owned by express companies has been increased 136% during the present administration.

Again, the railroad mileage within the State subject to assessment by the State Tax Commission, has been on the whole, decreased. While the Alabama Great Southern Railroad has increased its second track mileage 30.46 miles, the Birmingham & Atlantic Railroad has discontinued and dismantled 22.90 miles of its main line, the Washington & Choctaw Railroad has discontinued and dismantled twenty miles of its main line, the Andalusia & Florida Railroad has discontinued and dismantled six miles of its main line, the 31.28 miles of main line formerly assessed to the Birmingham Southern Railroad by the State Tax Commission as a public utility, has been taken out of the class as a public utility, as it no longer operates for the public, and is now assessable by the tax assessor of the county where located.

FRANCHISE TAX

The Legislature of 1919 transferred the machinery for assessment and collection of franchise taxes from the probate judges to the State Tax Commission, the Attorney General and the State Treasurer.

The following tabulations showing the amounts collected under the old and current laws set forth the results obtained:

Three-Year Period, 1917, 1918 and 1919

1917 State tax only.....	\$116,334.92	
1918 State tax only.....	128,168.92	
1919 State tax only.....	\$128,043.13	
Collections by Attorney General.....	73,101.72	201,144.85
Total.....		\$445,688.69

Three-Year Period, 1920, 1921 and 1922

1920 State tax only.....	\$223,008.14	
Collections by Attorney General.....	143,086.84	\$366,094.94
1921		232,075.71
1922 State tax only.....		534,931.21
Total.....		\$1,133,101.86

The machinery provided under acts prior to the 1919 Act was never adequate and the result was that many corporations entirely ignored their duty to the State in respect of this tax. However, under recent decisions of the Supreme Court the right of the State to collect past due franchise taxes is clearly determined, the statute of limitations not operating against the State. Further, according to these decisions, no judicial determination is required to fix the amount due by a domestic corporation as annual franchise taxes. The corporation must pay an amount based on its paid-up capital stock. In the case of a foreign corporation payment measured by "capital employed" is required. From 1916 judicial determination of capital employed was provided for. Prior to that year, even though the Constitution of the State required payment on "capital employed," no means of judicially determining the amount was ever provided by the Legislature and foreign corporations paid to the probate judges the amounts they considered due and there existed no power of review by any State authority.

The result is that four classes of delinquent corporations exist:

XXXIX

First. Domestic corporations that have failed altogether to pay franchise taxes, that is to say, for any year of their existence.

Second. Domestic corporations that have failed to pay franchise taxes for a portion of the years of their existence.

Third. Domestic corporations that have paid franchise taxes, but have paid an inadequate amount.

Fourth. Foreign corporations that between the years 1911 and 1915 inclusive, have paid an adequate amount, and foreign corporations which have failed to pay any tax at all.

The 1919 Revenue Act went far toward improving the machinery of assessment and collection of the tax. But this machinery is still inadequate with the result that enforcement of the law has not been and cannot be uniform until better machinery is provided. Those who have obeyed the law voluntarily, together with those whom the Commission has been able to reach through correspondence and through the personal calls of its field agents, bear the burden of this tax. The others proceed, or have in a great number of cases proceeded, in business in the possession of valuable corporate rights without bearing their required share of the burden of the tax. Manifestly the State suffers injustice and the law-abiding taxpayer is unfairly treated.

It is conceivable that in time the field agents of the Commission could round up all delinquent corporations, but the process would be expensive and in the case of many corporations the outlay would not be justified by the return, and during the rounding up period many would escape payment through dissipation of assets before these field agents could reach them. This latter, in itself, makes the collection of the tax lack uniformity, but the expense to the State of personal visits of field agents each year to hundreds of small delinquent corporations is apparent and this method should not be employed, provided cheaper and more uniform methods can be found.

The franchise tax is not a license or privilege tax for doing business. It is a tax on corporations for the right to exist as corporations in Alabama. We can see no reason why any part of the tax should be distributed to the counties of the State. Such a distribution does not seem to have been contemplated by the framers of the State Constitution and it is a gift to the various counties from the general fund of the State which the principle of a fair distribution of State collections does not seem to require.

The rate for the franchise tax in Alabama is less than in any other state of which we have knowledge, and, in our opinion, it should be increased to not less than one dollar on each thousand dollars of capital.

While the present franchise tax law is much better than the one it replaced, it needs strengthening in many particulars.

The present law does not provide any penalty for failure to make returns on which this tax is determined and this omission has made the collection of this tax in many instances more difficult than it would otherwise have been. In other states, where there is a law levying franchise tax, there is generally a provision for a drastic penalty for failure to make the proper returns. The State of Delaware probably has had more experience in the levy and collecting of a franchise tax than any other state. In that state for failure to make a return there is a specific penalty of \$200.00 to be collected from each taxpayer in an action of debt. In addition the law of that state provides that the officers and directors of corporations which fail to make the returns required by law shall be ineligible for re-election to their respective positions for a period of one year. We recommend that the omission of a penalty in our law be corrected.

It is sometimes difficult to get legal service on domestic corporations in this State. There are many corporations chartered under the laws of Alabama which do not maintain an office in the State. We suggest that

there should be added to our law a provision that service can be made upon the Secretary of State and that such service should be as effectual as if made upon the president or other officer of a corporation.

For the non-payment of the franchise tax within the time required by law our present law provides a penalty of five per cent per month. This penalty does not seem to be sufficient to insure the collection of the franchise tax in many cases, particularly where the tax is small. In other states where there is a franchise tax law, failure to pay the tax within the time required by law, after notice has been properly given, involves a possible forfeiture of charter and, in addition, in most of the states, there is a provision by which corporations can be enjoined from exercising all corporate rights until the franchise tax is paid. We think it would be well to embody both of these provisions in the law of this State in addition to the specific penalty now provided.

There is no provision in our law for assessments to be made upon information. There should be provisions for such assessments.

While section 21 of the present law confers upon the State Tax Commission authority for demanding information from corporations needed in the determination of the amount of the franchise tax, we think an amendment to this section should remove some doubts which at present appear to exist and should give to the State Tax Commission in explicit terms the right to require from corporations any information which may be disclosed by the books, including the right to demand balance sheets and lists of stockholders and to make an examination of the books of a corporation, whenever, in the judgment of this Board such examinations may be necessary.

The present law provides that returns for franchise tax shall be filed between November 1st and December 15th of the year preceding the year for which the tax is levied and collected. Our experience has shown that the period from January 1st to March 15th of the year of levy and collection is more practicable from every standpoint. This latter period follows the practice of the Federal government relating to income tax returns and its adoption would prevent the necessity of placing an additional burden on corporations in the matter of closing books and assembling date, since nearly all corporations close their books on December 31st of each year.

Many details involving changes in the present law suggest themselves from the experience of the Commission, but we recommend that these be handled by giving the Commission discretionary authority rather than that they be incorporated into the law itself. The reason for this suggestion lies in the fact that the levy of a franchise tax is a constitutional mandate to the Legislature and, since only the Legislature can provide machinery, it would seem wise to give the Commission all discretionary powers consonant with legality and the authority of the Legislature, rather than that rigid and binding machinery be provided. It is only necessary to call to mind the extensive litigation in the past over the franchise tax, due to the irreconcilability of legislative acts with the Constitution, in order to show the wisdom of proceeding where possible under rules of the Commission, which are less formal and more readily adaptable to conditions than are rigid legislative acts, which, if declared inconsistent with the Constitution, might endanger collection of the tax or, at least, delay it.

LICENSE TAXES

For the purposes of comparison and comment we submit below a statement showing the total collection of licenses for the last three years under the Revenue Act of 1915 and for the three years since the Revenue Act of 1919 has been in force.

XLI

Three-Year Period, 1917, 1918 and 1919

	1917	1918	1919
Paid directly into the State Treasury—oil dealers, carbonic acid gas, news companies, telegraph, express, sleeping car companies, etc.	550,834.56	\$52,167.19	\$65,041.04
General business	260,178.37	260,178.37	364,316.43
Dog registration		35,301.46	25,307.07
Total	\$311,012.93	\$347,647.02	\$454,664.54

Three-Year Period, 1920, 1921 and 1922

	1920	1921	1922
Coal tonnage	\$312,599.43	\$255,328.21	\$366,694.88
Iron ore tonnage	156,979.07	110,748.88	132,885.05
Paid directly into the State Treasury—oil dealers, carbonic acid gas, news companies, telegraph, express, sleeping car companies, etc.	102,004.96	119,005.19	116,416.32
General business	604,717.83	646,069.35	579,562.32
Dog registration	235,985.48	111,852.24	Repealed
Total	\$1,412,286.77	\$1,243,003.87	\$1,195,558.57

It will be noticed that a large part of the collections for the second period of three years was on account of licenses levied on coal and ore mining and for the registration of dogs. In addition to these two new licenses there was also levied licenses for the use of carbonic gas, turpentine distilleries, dog registration, and on many other lines of business which were not levied under the Act of 1915, and some schedules in the Act of 1915 were increased. If these new licenses are taken out of the above statement the totals of collections would be as follows:

1917	\$ 311,012.93
1918	312,345.56
1919	429,357.47
Total	\$ 1,052,715.96
1920	\$ 691,165.04
1921	748,458.67
1922	683,019.48
Total	\$ 2,122,643.19

The large increase of collections for the last three years, as compared with the three years next preceding on substantially similar statutory provisions, was due partly to the close supervision of the work of license inspectors by this Board and partly to the work of the agents of this Commission.

From a careful examination of the reports made to this office by the probate judges of this State, within a few months after the organization of this Board, we came to the conclusion that there was not as close a collection of licenses required by law as there should be. We, therefore, organized and trained a force for license work. This force, varying in number,

XLII

began work in June, 1920, and were continued in service until the close of 1921. The men constituting this force were sent into all the counties of the State, except Jefferson, for the purpose of collecting delinquent licenses which had escaped the notice of local inspectors, and in order that they might train local inspectors in the proper construction of the license laws and in the best method of discovering delinquencies. During the time of their employment State License Inspectors reported twelve thousand eight hundred and fifteen delinquencies. Collections were made in nine thousand six hundred and eighty-six cases reported, amounting to a total of \$102,279.17. In addition to the licenses thus collected this same force collected in delinquent franchise taxes an amount of \$37,574.00, or a total of \$139,853.17. The cost of this work, paid from the appropriation of this Commission, was \$19,794.88.

These agents of the Commission remained in each county only a short time. Within this time they collected all delinquent licenses which could be collected from citations issued to the persons delinquent. They could not remain in a county long enough to swear out warrants and try cases thus begun and, therefore, all licenses which could not be collected by citation which they had discovered to be delinquent were reported to the local inspectors and these local inspectors were instructed to swear out warrants and institute civil proceedings in all such cases. A large number of these licenses so reported to local inspectors were afterwards collected. In some cases it is found that the licenses so reported were not due or there was a lack of evidence to sustain the claim of the State and in a few cases proceedings are still pending for the collection of the amounts due.

The value of the work of the agents of the Commission is not fully shown by the amount actually collected, \$139,853.17, and the additional amount reported to local license inspectors for subsequent collection, as a total cost of \$19,794.88. We think one of the principal benefits of this work was in impressing the public that the State Tax Commission would use its utmost efforts to see that all delinquent licenses would be collected and that an attempt to evade payment would entail the payment of additional amounts as penalties and court costs, thus insuring a better voluntary payment in the future.

The present license law seems to be working fairly well, but we think probably equally as large collections could be made if local license inspectors were abolished and the collection of licenses placed in the hands of tax adjusters, except in a few counties.

We think the adjusters in nearly all counties have enough time to give attention to the collection of delinquent licenses in addition to their present work and the penalties for delinquencies could, if the change suggested were made, be paid into the State treasury, reducing the cost to the State on account of salaries paid to tax adjusters.

In the above statements amounts received from the sale of automobile tags are not included. We do not include these amounts with licenses because they do not constitute revenue available for governmental purposes, the whole amount collected being a fund for use in connection with the work of the State Highway Department.

The amounts received from the sale of automobile tags were as shown in the following statement:

1917	\$180,851.05
1918	259,428.90
1919	321,840.08
1920	832,979.99
1921	917,811.50
1922	962,619.87

XLIII

The large increase received from this source we believe is in part due to the efforts of this Commission, but undoubtedly the principal reason for the increase is the result of the higher rates in the present law and of the larger number of automobiles owned.

The present law could probably be amended in some particulars to advantage. We do not, however, suggest any changes in the law at this time because we are of the opinion that the Highway Commission is more familiar with this subject than we are and we recommend that in the consideration of any new revenue measure the schedule of automobile licenses be submitted to the State Highway Commission.

INCOME TAX

The Revenue Act of 1919 contained for the first time in the history of the State an income tax law, with graduated rates of taxation. It became necessary immediately after its organization for this Commission to begin preparations for putting this law into effect. This work of preparation began with a careful study of the law and the adoption of regulations covering all doubtful points of construction, to the end that enforcement should be uniform. Numerous blank forms,—some involved and difficult,—required by the law were prepared and a force of men for field work were employed and carefully trained.

The enforcement of the law began on January 1st, as provided by the statute, and shortly after that date a force of field agents were sent to the different sections of the State to instruct and assist taxpayers in making proper and legal returns for the assessment of the tax. More than twenty thousand returns had been received, audited and properly filed and indexed when the law was declared unconstitutional by the Supreme Court.

While this tax under the law did not become due until October, 1920, a number of taxpayers with small incomes remitted the amount of the tax with returns and approximately \$19,000.00 was collected in this way. All payments have been refunded in cases where taxpayers have made application as required by law. There still remains in the State treasury several thousand dollars to the credit of this fund which has not been refunded, the present address of the taxpayers being unknown and it being impossible to get them to make proper applications, though attention has been called to the matter several times by publication in the newspapers of the State. We recommend that this balance be closed into the general fund of the State.

In the opinion of this Commission, it is unfortunate that an income tax with graduated rates of taxation has been decided unconstitutional in Alabama. In the early history of a government such as that in this State, when population is small and scattered, the principal function of government is the protection of its people in the peaceable enjoyment of their liberties and in safeguarding their rights of property. Government is simple and those enjoying the larger part of its benefits are the owners of property and those who derive a support from some business the conduct of which requires the ownership of a relatively small amount of property. The revenue required is small and the necessary amount can easily be raised by the two kinds of taxes which suggest themselves as fairest,—the property and privilege taxes. Later on, as population thickens, as business becomes more complex, and government activities are extended in more and more directions, there is an ever increasing demand for a greater revenue. Either this additional revenue must be raised or the government must become inefficient and fail to provide for the people the things they demand and to which they are entitled. The needed revenue can be raised from property and privilege taxes only by such rates of taxation on property as would be practically

XLIV

confiscatory and by such privilege rates as would tend to prohibit many kinds of business, unless conducted by monopolies or through combinations with an assured profit through the medium of high prices to consumers. Property taxes in Alabama while less than in almost any other state, are relatively as high as they should be at present, and, in our opinion, some new sources of revenue should be sought.

It seems to be the almost unanimous opinion of tax students that an income tax with graduated rates best meets at this time the growing needs of government. Such a tax is now being collected in more than half of the states in the Union and the number of such states increases each year. We, therefore, recommend the submission of a constitutional amendment permitting the levy of an income tax with graduated rates. Such a tax would be paid principally,—not by owners of tangible property, but by business concerns whose profits exceed a reasonable return on property investment, by owners of investment securities not now reached by our tax laws, and by salaried and professional men who do not now contribute a fair proportion to the expense of the government.

Pending the adoption of a constitutional amendment as above recommended, we suggest for your consideration the wisdom of an income tax law conforming to the decision of our Supreme Court. Such a law could be enacted with a total uniform rate on all incomes of one dollar and seventy cents on each one hundred dollars of income. Of this rate one dollar and five cents would be apportioned to the counties of the State and sixty-five cents to the State.

If all incomes in excess of five hundred dollars received by single men and one thousand dollars received by married men were subject to tax, we estimate that a law such as is here suggested for your consideration would yield a net revenue of not less than six hundred thousand dollars annually, of which the State would receive approximately two hundred and twenty-five thousand dollars and the counties approximately three hundred and seventy-five thousand dollars.

The objection that the counties would receive too large a share of the total collected could be met by an amendment to the franchise tax law making the entire amount of tax collected from that tax available for State purposes instead of distributing one-third of the amount to the counties as at present.

In the rate of \$1.70 on each \$1,000.00 of income suggested above, no consideration has been given to the right of the counties of the State to levy special school district taxes. It is possible that under the authority of counties to levy these special school district taxes, the rate could be increased by thirty cents on each \$100.00 in those counties which had adopted a special tax for the county, and by still another thirty cents on the incomes of residents of special districts established as provided by law. We doubt, however, if any attempt should be made to increase the rate by reason of special school district taxes, because the entire additional tax received would belong to the county, could not be fairly equalized by the change in the franchise law suggested, and would add materially to the cost and difficulty of administering the law.

Statement showing receipts from the several counties of the State and also the amounts returned to the several counties by the State Treasurer.

XLV

FOR FISCAL YEAR ENDING SEPTEMBER 30TH, 1922

COUNTIES.	1. Receipts from Counties. General Property Tax, (.65) Business Licenses, Hunter Licenses, Mortgage Taxes, Solicitors' & Trial Fees and Poll Tax.	2. Paid Out to Counties. For Public Schools, Court Costs, Adjuster, Confeder- ate Soldiers, Feeding of Prisoners.	Paid out to Counties in Excess of Receipts as shown in column 1.	Received from Counties in Excess of Disbursements as shown in column 2.
1 Autauga	\$ 44,186.29	\$ 57,719.70	\$ 13,533.41	\$
2 Baldwin	80,460.35	70,068.40		10,391.95
3 Barbour	62,983.88	98,614.22	35,603.34	
4 Bibb	43,671.30	69,108.29	25,436.99	
5 Blount	51,255.23	87,426.29	36,171.06	
6 Bullock	44,685.22	66,040.08	21,354.86	
7 Butler	61,641.03	87,425.65	25,784.62	
8 Calhoun	183,783.03	147,297.56		36,485.47
9 Chambers	95,469.95	113,965.60	18,495.65	
10 Cherokee	39,374.66	62,625.66	23,251.00	
11 Chilton	54,690.62	83,591.48	28,900.86	
12 Choctaw	47,827.31	62,265.26	14,437.95	
13 Clarke	58,840.90	87,533.58	28,692.68	
14 Clay	37,522.57	82,922.16	45,399.59	
15 Cleburne	25,450.17	51,262.88	25,812.71	
16 Coffee	69,062.69	93,727.78	24,665.09	
17 Colbert	106,692.02	80,038.14		26,653.88
18 Conecuh	45,533.59	86,686.18	41,152.59	
19 Coosa	27,040.09	51,178.75	24,138.66	
20 Covington	103,989.02	112,727.72	8,738.70	
21 Crenshaw	40,879.02	77,710.12	36,831.10	
22 Cullman	85,665.79	103,626.76	17,960.97	
23 Dale	60,672.81	78,363.90	17,964.09	
24 Dallas	165,706.93	129,822.14		35,884.79
25 DeKalb	83,959.63	113,571.64	29,612.01	
26 Elmore	55,155.72	95,769.02	40,613.30	
27 Escambia	65,340.59	72,103.85	6,763.26	
28 Etowah	180,733.15	138,510.17		42,222.98
29 Fayette	40,015.43	67,275.57	27,260.14	
30 Franklin	58,194.71	70,331.10	12,136.39	
31 Geneva	66,570.43	69,329.66	2,759.23	
32 Greene	40,822.76	38,189.62		2,633.14
33 Hale	49,718.52	67,352.07	17,633.55	
34 Henry	37,511.46	68,828.47	31,317.01	
35 Houston	95,191.57	110,494.41	15,302.84	
36 Jackson	85,408.66	97,420.81	12,012.15	
37 Jefferson	1,692,468.22	846,779.75		845,688.47
38 Lamar	37,628.49	69,562.58	31,934.09	
39 Lauderdale	112,470.20	121,068.15	8,597.95	
40 Lawrence	43,440.20	68,656.85	25,516.65	
41 Lee	86,200.09	100,080.64	13,880.37	

XLVI

COUNTIES.		1. Receipts from Counties. General Property Tax, (.65) Business Licenses, Hunter Licenses, Mortgage Taxes, Solicitors' & Trial Fees and Poll Tax.	2. Paid Out to Counties. For Public Schools, Court Costs, Adjuster, Confeder- ate Soldiers, Feeding of Prisoners.	Paid out to Counties in Excess of Receipts as shown in column 1.	Received from Counties in Excess of Disbursements as shown in column 2.
42	Limestone	98,042.06	81,797.07		16,244.99
43	Lowndes	43,997.76	60,462.91	16,465.15	
44	Macon	47,802.78	60,170.20	12,367.42	
45	Madison	189,313.31	131,728.39		57,584.92
46	Marengo	92,160.98	83,303.56		8,857.42
47	Marion	48,064.25	84,524.27	36,457.20	
48	Marshall	70,600.89	105,522.23	34,921.34	
49	Mobile	504,697.01	265,492.67		239,204.34
50	Monroe	55,420.23	80,640.11	25,219.88	
51	Montgomery	363,484.71	227,841.68		135,643.03
52	Morgan	146,233.08	121,700.86		24,532.22
53	Perry	48,972.66	65,446.19	16,473.53	
54	Pickens	54,792.31	78,255.92	23,463.61	
55	Pike	76,361.06	93,405.70	17,044.64	
56	Randolph	49,000.32	88,013.41	39,013.09	
57	Russell	53,270.72	64,240.49	10,969.77	
58	Shelby	78,619.94	89,227.18	10,607.24	
59	St. Clair	61,224.16	85,570.66	24,346.50	
60	Sumter	60,700.92	76,934.16	15,233.24	
61	Talladega	126,809.33	136,665.70	9,856.37	
62	Tallapoosa	63,807.67	94,584.48	30,776.81	
63	Tuscaloosa	190,432.57	143,518.68		46,913.89
64	Walker	164,690.71	135,116.87		29,573.84
65	Washington	38,917.07	45,266.68	6,349.61	
66	Wilcox	50,639.48	73,897.72	23,258.24	
67	Winston	31,093.33	47,698.34	16,605.01	

As will be noted from the above statement FIFTY-TWO counties of the State do not contribute directly to the support of the higher educational institutions of the State, or the insane hospitals, or the executive, judicial or legislative departments.

MODIFICATION—SECTION 214, CONSTITUTION OF ALABAMA

As the State develops there are certain difficulties growing out of the limitation imposed by section 214 of the Constitution of 1901 which become more serious and, in my opinion, the time has come when in the interest of the State generally, and particularly in the interest of the taxpayers, steps should be taken so to modify this section of our Constitution as to exempt from its pro-

XLVII

visions debts and obligations of the State, evidenced by bonds or other securities, for the payment of which such bonds or other securities pledge the full faith and credit of the State.

Said section 214 is in language as follows:

"The Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one-hundredths of one per centum on the value of the taxable property within this State."

I am of the opinion that this section should be modified so as to read as follows:

"Except as to payment of debts or obligations of the State, now outstanding or hereafter created, evidenced by bonds, mortgages, or other securities pledging the full faith and credit of the State to the payment thereof, the Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one hundredths of one per centum on the value of the taxable property within this State."

Such modification would, in my opinion, relieve the difficulties growing out of the provisions of this section as it now stands, and such modification should be made for the following reasons:

First: The original purpose and intention of this provision was alone to prevent extravagance and useless expenditure of public funds by discouraging the contracting of unnecessary debts and obligations, but was never intended to prevent the State from paying its debts, or to make it more difficult for the State to meet promptly its necessary obligations.

Second: This section, not only discourages the contracting of unnecessary debts or obligations, but goes farther and places a limitation upon the right and power of the State to meet its obligations and to pay debts after the same have been contracted in good faith and of necessity.

It is wise and good to limit the power of the State to contract debts, but to limit the power or authority of the State to pay such debts as may have been contracted in good faith is a different matter altogether and cannot be justified on either moral or economic grounds.

Third: The provision of this section impairs the credit of the State and increases the burden of the taxpayer by forcing a higher rate of interest.

When the State offers a bond, or other security, for sale and the prospective purchaser discovers that our Constitution places a limitation upon the power of the State to levy a direct tax sufficient to meet promptly interest payments and to provide for final liquidation or retirement of the security, such prospective purchaser very naturally demands a higher rate of interest, and if the demand is refused he invests in securities of other states, or in another character of securities not subject to such limita-

XLVIII

tion, and the difference in interest payments is, of course, borne by the taxpayer.

Fourth: This limitation places the State in the attitude of impairing its own securities, which impairment, whether in the form of increased interest charge or depressed market price, must in the last analysis be made good by the taxpayers of the State.

It must be borne in mind that the criterion by which State or municipal bonds or securities must be judged is whether everything has been done to pledge the full faith and credit of the State or municipality to the payment of its obligations.

Fifth: This provision, insofar as it affects the obligations of the State evidenced by bonds or other securities which can be offered for sale only after the people by majority vote authorize their issuance, cannot possibly do any good while it impairs the credit of the State, affects adversely the sale price of the State's securities, increases interest rates and forces the State into an attitude of misrepresentation. All of this would, in my opinion, be obviated by modifying section 214 as above indicated.

BANKING DEPARTMENT

It is cause for congratulation that the banks of Alabama have passed through the post-war period of depression with so few failures. The record of the banks during the past four years has been remarkable and reflects credit upon the bankers as well as upon the department under which they have been operating.

During the four-year period there have been only three bank failures with an aggregate deposit liability of \$714,000. Of the three banks which failed two are now in process of liquidation and the depositors of the other one have been paid in full.

On November 4, 1918, the capital of all State banks amounted to \$10,800,000, and on June 30, 1922, to \$11,400,000. During that period there has been an increase in surplus and undivided profits of approximately \$2,500,000 and an increase of approximately \$12,000,000 in savings deposits, the latter fact unmistakably indicating that our people are learning the lesson of thrift.

The record of the banks for the past four-year period is indisputable proof that they are in the hands of capable officers and directors and on a solid basis.

BOARD OF CONTROL AND ECONOMY

The functions of this Board are so broad and comprehensive that I shall not undertake to review its operations in this limited space. I commend to the members of the Legislature, and to all citizens who are interested in the government of the State, the

XLIX

very able and comprehensive report of the Chairman of the Board, Hon. C. B. Rogers, which has been published.

INSURANCE OF PUBLIC BUILDINGS

The Act approved September 30, 1919, authorized the Board of Control and Economy to carry insurance on property of the State. When an effort was made by the Board to compile a record of the insurance carried by the various departments and institutions of the State it was found that the policies had not been distributed as to expirations in such manner as properly to distribute the expense of insurance over the years. A questionnaire was sent to the heads of all institutions requesting information as to the types of buildings insured, character of roofs, etc., which would determine the rate. From this information it appeared necessary to have a detailed survey made of the buildings at the various institutions, which resulted in the reduction of premiums in several instances, due to the fact that changes had been made in types of roofs, etc., or other buildings had been removed which had been considered originally as a hazard, but the policies had been renewed from time to time on the basis of the original rates. The Board now has and maintains a register of all insurance policies carried on the State's property under the control of the Board. More equitable distribution of the insurance among the agents is made than formerly. It has been the policy heretofore to pay insurance premiums out of maintenance funds. I do not think that policy is wise. My opinion is that an insurance fund should be created by appropriation to be administered by the Board of Control and Economy and that premiums on policies of insurance on all State property should be paid out of that fund, and I so recommend.

Following is a statement of the value of all State property, with the amount of insurance carried:

VALUE OF STATE PROPERTIES AND INSURANCE CARRIED THEREON

Eleemosynary Institutions. (Lands, Buildings and Equipment.)	Value.	Insurance Carried.
Bryce Hospital, lands, buildings and equipment.....	\$ 1,482,569.06	\$ 750,000.00
*Alabama Home for Mental Inferiors, lands, buildings and equipment.....	199,589.52	
Searcy Hospital, lands, buildings and equipment...	246,749.62	87,950.00
Alabama Boys Industrial School, lands, buildings and equipment	315,430.50	142,683.18
State Training School for Girls, lands, buildings and equipment	164,063.18	75,400.00
Alabama Reform School for Negroes, lands, buildings and equipment.....	84,754.02	39,650.00
Alabama School for the Deaf, lands, buildings and equipment	291,732.24	158,750.00

L

	Value.	Insurance Carried.
Alabama School for the Blind, lands, buildings and equipment	157,200.00	84,900.00
Alabama School for Negro Deaf and Blind, lands, buildings and equipment	32,039.00	24,000.00
Confederate Soldiers' Home, lands, buildings and equipment	49,574.25	17,900.00
	<u>\$ 3,023,701.39</u>	<u>\$ 1,381,233.18</u>

Convict Department.

(Lands, Buildings and Equipment.)		
Kilby Prison, lands, buildings and equipment	\$ 1,215,354.34	\$ 66,701.00
Number Four Prison, lands, buildings and equip- ment	131,425.63	41,350.00
Speigner Prison, lands, buildings and equipment ..	763,765.98	322,600.00
Wetumpka Prison, lands, buildings and equip- ment	94,800.45	49,310.00
Number Five Prison, lands, buildings and equip- ment	75,000.00	
Head Place, lands, buildings and equipment	12,500.00	
Aldrich Prison, lands, buildings and equipment ..	7,115.47	11,000.00
Banner Prison, lands, buildings and equipment ..	11,777.90	14,000.00
Belle Ellen Prison, lands, buildings and equip- ment	7,799.71	10,000.00
Flat Top Prison, lands, buildings and equipment ..	12,290.29	14,000.00
River Falls Prison, lands, buildings and equip- ment	4,182.20	5,000.00
Blanket policy carried on feedstuff at Prison No. 4, Speigner, Wetumpka and No. 5		35,000.00
	<u>\$ 2,336,011.97</u>	<u>\$ 568,961.00</u>

Note: Apparent excessive insurance on Aldrich, Banner, Belle Ellen, Flat Top and River Falls is due to the fact that inventory of supplies and equipment for these prisons was taken on the last day of the month, when their supplies are at the lowest, and the average value of supplies at these prisons is more than the amount of insurance carried.

*Alabama Home for Mental Inferiors—Fireproof, no insurance carried.

Administrative Property.

(Lands, Buildings and Equipment.)		
Capitol building and grounds	\$ 1,125,000.00	\$ 527,500.00
Furniture and fixtures of Capitol building	170,000.00	57,500.00
Governor's mansion	55,000.00	25,000.00
Board of Health	30,000.00	23,000.00
Board of Health furniture and fixtures	7,540.00	7,000.00
Highway Department	24,000.00	
Highway Department (office equipment)	20,847.40	
Highway Department (plans and specifications) ..	30,000.00	46,500.00
Highway Department (auto trucks)	400,000.00	200,000.00
Highway Department (auto parts)	500,000.00	25,000.00
Highway Department (roadway equipment)	250,000.00	25,000.00
White House	27,500.00	18,000.00
White House furniture and fixtures	3,055.60	2,000.00
Supreme Court Library	70,000.00	70,000.00
Total	<u>\$ 2,712,943.00</u>	<u>\$ 1,026,500.00</u>

LI

Educational Institutions.		Value.
University of Alabama.....		\$ 1,429,947.83
Alabama Polytechnic Institute.....		789,375.00
Alabama Girls Technical Institute.....		760,360.00
Alabama Agricultural Schools.....		412,350.00
Alabama County High Schools.....		1,515,225.00
Alabama Normal Schools.....		1,680,730.00
Alabama Public Schools.....		19,822,929.00
16th Sectional School Lands.....		1,111,680.00
Total.....		\$27,522,596.83

NOTE: Insurance on above property is placed by the Trustees of the various schools, and this Board has no record of the amount of insurance carried.

ASSETS ADDED

Expenditures for permanent improvements, and new construction for 1919-1922 inclusive:

Teachers Training Buildings at Normal Schools:

Jacksonville Normal School.....	\$ 30,000.00	
Florence Normal School.....	30,000.00	
Livingston Normal School.....	30,000.00	90,000.00

Girls Training School, Birmingham:

Cost of lands, including clearing and grubbing.....	10,471.63	
Four dormitories.....	78,866.89	
Hospital building and school house.....	35,051.30	
Dairy barn.....	1,748.25	
Laundry building.....	1,500.00	
Equipment and materials.....	10,501.13	
Outside electrical work.....	393.75	
Engineering, labor and other expense.....	2,380.23	140,913.18

Boys' Industrial School, East Lake:

Dormitory, construction cost.....	42,545.03	
Gymnasium.....	19,539.37	
Heating system.....	5,214.58	
Swimming pool.....	3,647.67	
Equipment for woodworking shop, machine shop, laundry, shoe shop printing shop, tailor shop, farm and dormitories.....	24,790.08	
Dairy barn.....	6,500.00	102,236.73

Alabama Home for Feeble Minded, Tuscaloosa:

New construction, dormitory, kitchen and dining hall, power house, ect.....		199,589.52
---	--	------------

Bryce Hospital, Tuscaloosa:

New power house.....	50,905.24	
Female tubercular ward (capacity 50 beds).....	12,500.00	
Dairy cottage.....	2,000.00	
Garage and filling station (6 cars).....	2,500.00	
Corn cribs (five).....	1,000.00	
Cow barn.....	3,000.00	

LII

Expenditures on new kitchen.....	1,148.04	
Foundation for 36-room building.....	2,500.00	
Cost of repairs to 25 wards and 3 dining halls, ceiling, plumbing, etc.....	55,670.80	
Repair work on other bulidings.....	3,350.00	134,574.08
<hr/>		
Speigner Prison:		
New prison and laundry building.....		19,054.04
Number Four Prison, Near Montgomery:		
New buildings		26,056.12
Wetumpka Prison:		
Remodeling of penitentiary.....		26,218.27
Kilby Prison, Montgomery:		
Cost of land, buildings, dairy, walls and equip- ment	\$ 1,053,235.02	
Cotton mills, shirt factory, dye house, warehouse	198,634.31	1,251,869.33
<hr/>		
Alabama Reform School, Mt. Meigs:		
Dormitory and school house.....		8,513.84
State Capitol:		
Painting and repairs.....		12,440.00
Cost of building for State Board of Health, Montgomery		30,000.00
University of Alabama.....		115,000.00
Alabama Polytechnic Institute (Auburn).....		125,000.00
Alabama Technical Institute and College for Women (Montevallo)		75,000.00
<hr/>		\$ 2,356,465.11
Rural School Houses Built and Repaired		
With State Aid:		
New buildings	587	
Old buildings repaired.....	478	
Buildings equipped	722	
Total cost.....		\$ 4,509,925.00

DEPARTMENT OF EXAMINERS OF ACCOUNTS

The following report of the Chief Examiner of Accounts shows the wisdom of the Legislature in placing this department under a responsible head and increasing the force of examiners to a number sufficient to perform the service in an efficient and effective manner.

Many valuable suggestions are made, to which I invite your careful consideration:

"Montgomery, Ala., Oct. 26, 1922.

Hon. Thos. E. Kilby,
Governor.

Sir:

I respectfully submit this report of the work of the Examiners of Public Accounts from Oct. 1, 1918 to Sept. 30, 1919, and of the operations and activities of the Department of Examiners of Accounts from its establishment Oct. 1, 1919 to Sept. 30, 1922.

LIII

Prior to the passage and approval of the Act of Sept. 29, 1919 creating the Department of Examiners of Accounts the duties placed on this department were performed by the Examiners of Public Accounts under the direct supervision of the Governor, the Chief Examiner being without power to control or direct the work of the examiners and being clothed with no authority not possessed by the associate examiners except with relation to the docketing and disposition of cases of delinquency in handling the public funds disclosed by the work of the Chief Examiner and his associates. Realizing the numerous advantages to be gained by placing the department under a responsible directing head, not the least of which was relieving the Governor of the multitudinous petty details of the administration and direction of the work, the Legislature at your suggestion established this as a separate department of the State government, placing the Chief Examiner of Accounts in charge of the department, its records and business, and making it his duty under the direction of the Governor to assign the assistant examiners to duty from time to time and generally supervise and control their investigations and examinations. Subsequently, by the Act approved Sept. 30, 1920, provision was made for increasing the force of assistant examiners of accounts. The increased efficiency and effectiveness with which this department, under your direction, has operated to protect and safeguard the interests of the State and the various counties in connection with the collection, safekeeping and disbursement of the public funds has demonstrated the wisdom of your recommendation that the work be placed under the direction of a department head who could give more time and thought to the details necessarily connected with the work of the department than the Chief Executive with his manifold duties and responsibilities could possibly devote thereto.

The enlarged force of assistant examiners of accounts selected by you under the provisions of the Act of 1920 has enabled the examinations and investigations of the books and accounts of the State and county officers, departments and institutions to be made at shorter intervals and with more of the care and attention to detail so essential to correct accounting and the effectual safeguarding of the interests of the State and county in connection with the collection, conservation and disbursement of the public funds.

COLLECTIONS FOR STATE AND COUNTIES

During the period covered by this report we have made a total of 111 examinations and investigations of the books and accounts of State officers, departments, institutions and activities, and 1,337 examinations and investigations of the books and accounts of county officers and institutions (county high schools being classed as county institutions), a total of 1,448 examinations and investigations. As a result of such examinations we have collected for the State treasury the sum of \$344,000.57, for the various counties the sum of \$532,699.71 and for sundry cities, towns and individuals the sum of \$6,803.49, a grand total of \$883,503.77 collected as a direct result of the activities of this department. Exhibit "A" hereinafter shows by counties the amounts found due the State, the collections thereon and the status of the balances uncollected. Exhibit "B" shows the same facts with regard to the amounts found due the various counties, while Exhibit "C" gives a recapitulation of the totals shown on Exhibits "A" and "B."

Of the total of \$883,503.77 collected by this department the sum of \$29,512.55 was collected for the State and a total of \$16,321.26 for sundry counties as a result of demands by mail and otherwise made by the Chief Examiner of Accounts following special investigations conducted by the Chief Examiner personally.

In Exhibit "D" to this report you will find a statement of the irregularities and discrepancies found in the disbursement of county funds by the

Commissioners Courts and Boards of Revenue resulting from the carelessness and indifference with which such courts and boards, in some instances, have discharged their duties with relation to the disbursement of the public funds. The examinations which disclosed these irregularities have without exception resulted in the exercise of greater care and attention of the requirements of law governing such disbursements.

AUDITING CLAIMS AGAINST THE STATE BEFORE PAYMENT

Your Excellency has wisely charged this department with the duty of auditing in advance of your approval for payment all claims against the State arising from the activities of the highway and military departments, all salary and expense vouchers and various and sundry other classes of claims. With the exception of a comparatively small class of these claims which were assigned to one of the assistant examiners, the Chief Examiner of Accounts in addition to his other duties has discharged the new duties so imposed on this department. While, with one exception, no favorable results in dollars and cents saved can be definitely stated this progressive innovation has furnished more thorough and effective protection against improper and illegal as well as wasteful expenditure of the State funds. The exception referred to is the specific saving of the sum of \$8,468.19 or 30% of one group of military strike duty bills amounting to \$27,451.62. While the saving to the State in this instance was exceptional, approximately the same percentage was saved by deductions and discounts secured on thousands of dollars of other claims of a similar nature. The definite and specific saving to the State from the deductions and discounts secured in the cases referred to above, together with the less tangible but none the less certain favorable results from this innovation of administration so clearly perceptible to one in close contact with the disbursement of the State funds, has demonstrated the fact that the change thus instituted was wisely conceived, progressive in its nature and protective in the results attained.

In this connection permit me to say there has been a noticeable reduction in the amount paid out on traveling expense claims as a consequence of your order prohibiting the indiscriminate, excessive and unnecessarily expensive use of Pullman accommodations and taxicabs by minor officers and employees of the State. In many instances such items, since eliminated, constituted ten per cent of the total amount of the claims.

Considering only the definite and tangible results in the way of shortages discovered and collections thereon it has proven its operations to have been eminently profitable to the State and counties, but no well informed person will deny that the most valuable effect of the work of this department is the discouragement and prevention of the misuse and misappropriation of the public revenues, and the equally important incentive to the many honest officials to discharge their duties with thoroughness and efficiency, furnished by careful, accurate, thorough and frequent examinations of their accounts.

RECOMMENDATIONS FOR LEGISLATION

I submit below a number of suggestions as to legislation which experience has shown to be necessary or advisable to enable this department more effectually to protect and safeguard the interests of the State and the various counties in the collection and disbursement of the public funds.

Official Bonds.

Instances have been disclosed where personal bonds of county officers were accepted with insufficient sureties and others where such bonds have become of no value by reason of financial reverses sustained by the sureties

thereon. To minimize the possibility of losses to the State and county on account of insufficient bonds I recommend the passage of an act requiring all official bonds to be made by duly authorized surety companies.

Official Bonds of Judges of Probate.

Under Sec. 5413 of the Code of 1907 the official bonds of the Judges of Probate are fixed and approved by the Circuit or Supreme Court Judges. The officers required to approve these bonds are without official knowledge, and frequently have little personal knowledge, of the facts a knowledge of which is necessary to enable the officer fixing such bonds to intelligently determine the amount necessary to effectually protect the State and county in each instance. That these bonds may be fixed and determined with a proper knowledge of the probable amount of money to be collected by each officer I recommend that this section be so amended as to require such bonds to be fixed and approved by the State Auditor.

Coal and Iron Ore Tonnage Taxes.

The next revenue law should contain a provision charging the State Auditor with the specific duty of keeping an account, in a book kept for that purpose, with each person, company or corporation engaged in the business of mining coal or iron ore so as to show the tonnage tax paid by each such taxpayer, such account to be kept in a form to show the months for which such license taxes have or have not been paid. Provision should also be made for the imposition of a penalty for delinquency in the payment of this tax sufficiently severe to create respect for the law.

Tax Collector's Cash Book.

I recommend the incorporation in the next revenue law of a provision requiring the tax collector to keep a cash book in a form to be prescribed by the Chief Examiner of Accounts or the State Tax Commission, and requiring the same to be posted and totalled daily and the totals thereon carried forward from day to day. Such a book, properly kept, is absolutely essential to a proper accounting of the tax collector's collections.

Reports from Tax Collectors.

To enable the Department of Education to keep informed as to the promptness with which county tax collectors make settlement with county treasurers of public school funds I recommend that provision be made in the next revenue law for such collectors to furnish the Department of Education with duplicates of the reports now required by law to be made to the State Auditor.

Clerks of the Circuit and Other Courts.

The law should be so changed as to require Clerks of the Circuit Court and all other county officers collecting fees and costs for the State to make monthly settlements with the State Treasurer. At the same time all such officers should be made subject to the same penalty for failure to remit within five days from the first of the month as is now imposed on the Judge of Probate for such delinquency.

Form of Privilege License Blanks.

I believe it would be to the advantage of the State and counties for the Auditor to be required to have the privilege license blanks prepared with a safety stub similar to the form used by the United States Government. I therefore suggest the incorporation of a provision therefor in the next revenue law.

Statements of Receipts and Disbursements by Counties.

I recommend the passage of an Act requiring the Chairman of the Courts of County Commissioners or Boards of Revenue to furnish the De-

partment of Examiners of Accounts with copies of the printed statements of receipts and disbursements now required by law to be published by such courts or boards.

Reports from County Treasurers or Depositories.

The Legislature should enact a law requiring the county treasurer or depository and the county treasurer of public school funds of each county to furnish the Department of Examiners of Accounts with monthly reports of all payments into their respective treasuries by county officers. Such reports would enable the Chief Examiner of Accounts to keep constantly informed as to whether or not the various county officers were making prompt settlement of their collections.

County Depositories.

Under the County Depository Act of 1915 the county depositories cannot be compelled to keep proper accounts and it is a practical impossibility for the Judge of Probate, who is charged with the duty of keeping such accounts, to properly keep the same so long as various and sundry other officers are authorized to draw warrants or orders on the county treasury. The law is weak also in that there is no centralized responsibility for the legality of disbursements, especially where the chairman of the Court of County Commissioners or Board of Revenue is not under bond. I earnestly recommend the enactment of such legislation as will require the depositories to keep proper accounts and as may be necessary to safeguard and protect the interests of the county relative to the legality of the disbursements made through such depositories or through the acting-treasurers where there are such officers instead of depositories.

CONCLUSION

In conclusion I wish to express my appreciation of the faithful service rendered by the capable and efficient force of assistants selected by Your Excellency for this department. They have at all times given me their active and sincere co-operation and have discharged their responsible duties with fairness and impartiality and with a stern sense of fidelity to duty.

I wish also to thank Your Excellency for the courtesy and consideration shown this department and for the able advice and wise counsel with which you have directed its operations and sustained and supported the head of the department and his assistants in their efforts to faithfully and fearlessly discharge the important duties imposed upon them.

Respectfully,
(Signed) CHAS. E. McCALL,
Chief Examiner of Accounts."

CONVICT DEPARTMENT

Since my incumbency in office I have made it a rule to make personal visits to the penal and eleemosynary institutions of the State. These visitations have been at frequent but irregular intervals and always without warning. In this way I have kept in close personal touch with all prison camps and conditions.

While on my first trip of inspection I realized the necessity for a thorough reorganization and overhauling of the convict system. The abolition of the turpentine camps was ordered at the first opportunity and prompt measures were taken for the improvement of conditions at other camps and prisons. This

LVII

work was begun under the supervision of Hon. C. B. Rogers, State Warden General, and continued under the supervision of State Warden General Wm. F. Feagin until, I am gratified to say, the entire convict department of the State has been brought to as high degree of efficiency as may reasonably be expected under the surrounding circumstances.

The conditions existing at the outset were undoubtedly very bad. Cruel treatment of convicts was not uncommon. The use of the leather strap was entirely too frequent and oftentimes attended with much cruelty. Food was insufficient in quantity, quality and preparation, and beds and bedding were filthy to a disgusting degree. All these things have been corrected. Humane treatment by wardens and guards is required and obtained. The use of the whipping strap has been forbidden. Iron army cots have replaced the vermin covered wooden swinging beds and the mattresses, pillows and sheets are clean and sanitary. New prisons have been built at Speigner and Number Four and the relic of barbarism at Wetumpka has been altered, thoroughly renovated and set apart for a prison and workshop for female prisoners. All State owned prisons are entirely new but one and that, as above stated, has been made suitable for its purpose.

On an early inspection visit I realized the necessity for and formed a determination to build a first class modern prison. When the time for beginning the project seemed propitious I sent the Warden General, Wm. F. Feagin, and my private secretary, Wm. A. Darden, with an architect and engineer, Martin J. Lide of Birmingham, to the Middle West for the purpose of examining the best examples of modern penitentiaries and forming plans for a new prison in Alabama. The work of building was begun in June, 1921, and completed in October, 1922. The prison was built to accommodate nine hundred inmates. In connection with this prison we have built a 10,000 spindle cotton mill and a dye works and a shirt factory. The buildings for these enterprises have been completed and machinery is now being installed. These buildings and machinery are of the latest design and thoroughly adapted to afford profitable employment to all of the inmates of the prison who are able to work.

In connection with the prison, mainly for the purpose of supplying milk and butter for the convicts, we have built a modern dairy, stocked with a fine herd of Guernsey cows.

Many other improvements have been made as will be shown in the report of the Warden General covering operations of the department for the quadrennium ending September 30, 1922. I commend this report to your very careful consideration as a paper showing a remarkable reform in the handling of the State's convicts, and I ask you to give particular attention to the remarks concerning the Indeterminate Sentence Law passed by the Legis-

LVIII

lature of 1919, and the matter of dividing the earnings of convicts with dependent families.

I heartily recommend that authority be given for the employment of additional parole officers. I also recommend that provision be made for payment of a portion of the earnings of convicts to their dependents, especially to those who may be shown to be in destitute circumstances.

It is not always the case that the violator of the law is the chief sufferer. It is more often that distressed wives and helpless children bear the greater burden. Surely the taxpayers of Alabama will be willing to give up the necessary amount of the convict earnings for the relief of such cases. The report follows:

Montgomery, Alabama, December 20, 1922.

"In accordance with your request of the 12th ult., I hand you herewith for the State Board of Control and Economy a comprehensive report of the operations of the Convict Department for the quadrennium ending September 30th, 1922, as brief as it can be made with due regard to the provisions of section 6501 of the Code.

During this period this department was combined with the State Board of Control and Economy and the Board of Convict Inspectors abolished with a consequent change in the methods of accounting employed.

An all-time physician inspector, an all-time chaplain and welfare worker, a technically trained farm and dairy supervisor and a licensed dentist have been employed and report their activities to the department at regular intervals.

Changes have been made in the office and prison records pertaining to convicts, important among which is the installation of card index systems showing all the information in connection with each prisoner and references to the other records necessary to be kept. This system has eliminated various record books, reduced the detail work of the office to a minimum, made available all information without research and has replaced all the indexes of the office.

A record has been developed whereby the number of prisoners in the penitentiary and at each prison can be ascertained on any date since its installation. Monthly reports in detail of the money and valuables belonging to prisoners in the hands of the wardens, monthly inventories by items of equipment at each prison, and monthly statements of the operations of the prison stores are regularly received from the wardens. Daily reports showing the number of men on hand at each prison, the number employed, the number excused by reason of illness and the number of flunkies and their duties, as well as the quantity of milk, butter and eggs produced and consumed and the amount of food required to produce them.

A system of serial numbers has been adopted and the number assigned to each prisoner upon his receipt into the penitentiary is used in all correspondence and transactions pertaining to him to definitely identify him during the whole of his prison term.

The method of computing short-time allowance for good conduct where a prisoner has more than one sentence has been changed from allowance on the aggregate sentence to allowance on each sentence separately.

In your inaugural address you recommended certain reforms in sentencing prisoners convicted for crime, the result of which was the enactment by the State Legislature of the indeterminate sentence law which discontinued the traditional system of hard and fast penalties for crimes and provided

LIX

that the penalty be adjusted not only to the offense but to the individual offender and prevented variation in temperament and attitude of judges from resulting in inequality of sentences that naturally created a feeling of injustice in the minds not only of the prisoners themselves but of the more intelligent public. This law is based on the theory that the detention of the prisoner cannot be adequately determined by the court at the time of the sentence and the detention in the prison of the prisoner should be sufficiently long to measure the probability and progress of his reformation and rehabilitation, and at the same time allow for a period of conditional release before the expiration of his maximum period of confinement. To meet the requirements of this law there was appointed an identification and parole officer of the department whose duty, in addition to finger-printing and photographing prisoners received into the penitentiary, is to keep in touch with and require reports from paroled prisoners in the post-prison period and trace the after careers of the prisoners until the expiration of the maximum time of their sentences. I believe that prosecuting attorneys and judges should be required to furnish such information as they possess relative to the offense as well as of the man himself, also their impressions of his character. I would urge the adoption of the policy of personal investigation of the offense and the circumstances under which it was committed. This information would be invaluable to the parole officer in the performance of his duties. In the scheme of rehabilitation I believe that, in addition to the parole officer already employed, two others could profitably be used whose duties would be in the nature of field work under the direction of the State Warden General, consisting principally of securing employment under moral conditions for prisoners to be paroled and make contracts for same, visit them and their employers monthly, secure reports from them and their employers, and upon revocation of their paroles by the Governor for violation of the terms thereof, or arrest and return them to the penitentiary and make monthly reports of their activities from day to day.

In this connection I do not think it is amiss for me to express the hope that the rights of dependents to a portion of the earnings of their convicted husbands and fathers will be recognized and a way provided for an equitable division of such earnings with dependents to be made by the Convict Department. Under the present system a convict is required to give up his all and while he is at work earning for the State, his dependents are too frequently driven from place to place for lack of proper protection and are denied the bare necessities of life. Children raised under such conditions are prone to fall into error and often become criminals from force of circumstances and thereby demonstrate the weakness of the present system. I believe that a convict's earnings should be shared equitably with his innocent dependents, that it will be conducive to right thinking and right living on the part of the convict and his helpless wife who so heroically struggles to carry the load but so often fails. This condition could be taken care of to a great extent by an allowance made to each prisoner based on the time served and his conduct while in the penitentiary, a part or all of which allowance should be remitted to the dependents at regular intervals. Besides contributing to the upkeep of his dependents, it would furnish an incentive to good conduct.

The old swinging double wooden bunks equipped with thin excelsior and straw mattresses, infested with vermin, have been replaced with sanitary single iron cots furnished with adequate cotton mattresses with duck covers, two sheets each, pillows and pillow cases all of which equipment is manufactured by the Convict Department with convict labor and is changed twice each week.

Uniform individual lockers attached to the walls in each prison are in process of manufacture, replacing boxes of various shapes and dimensions.

bags and bundles kept on the floors under the beds furnishing harbors for trash and filth.

All of the clothing used by prisoners, except winter underwear and hosiery, is made in its own tailor shop with convict labor from cloth manufactured by convict labor in the State's cotton mill.

Rules have been promulgated requiring all prisoners to wear regulation clothing, as contemplated by section 6537 of the Code. Rubber mine shoes have replaced the stiff, steel-bottom brogans formerly used, thus reducing to the minimum fatalities from electric shock and greatly contributing to the comfort of the prisoners in the mines.

A system of numbering has been developed that not only returns to each man his own clothing but his bed clothing as well.

Sanitary laundries with new kettles and furnaces have been installed at each of the prisons and men are stationed in each to mend all clothing and replace missing buttons.

The cells have been equipped with a sufficient number of tables and benches for the use of the prisoners while reading, writing, studying and playing games which relieves the cots and beds from use as lounging places while the men are in their cells.

Comfortable and convenient bath-houses in which hot and cold showers may be had have replaced the cold tub baths formerly in use and the prisoners are required to make use of these baths regularly. Facilities for bathing the face and hands have been improved and sufficient towels manufactured by the State are furnished for the use of the convicts.

Adequate fire escapes have been provided at most of the prisons.

Special deputy wardens are now required to go into the mines each working day and remain until the convicts have finished their tasks, in order that the physical welfare and safety of the prisoners may be had in the mines as well as in the cells.

Sleeping quarters have been screened against flies and mosquitoes and cell boys are required to promptly dispose of any flies or other pests entering through the doors when in use.

Barber shops have been fully equipped in each prison and all of the prisoners are required to be shaved semi-weekly and hair cut semi-monthly. Dairymen, cooks and others in similar work are required to shave daily.

The all time licensed dentist cares for the teeth of the convicts and keeps a detailed record of all dental work done and all found needed. Tooth brushes have been furnished the convicts and the dentist sees that they are used regularly.

Sanitary drinking fountains have been installed and are required to be in order at all times, looking to reducing infection from the use of a common drinking vessel.

During this period one of the most important improvements made is in the quality and preparation of the food served the prisoners. Modern steel ranges of adequate capacity have been installed at each prison, replacing the syrup-kettle method heretofore used, and the kitchens are equipped with sufficient modern cooking vessels.

Substantial baking ovens have been installed at each prison and milk break of high quality is served daily in sufficient quantity. This was made possible by the inauguration of a school for training bakers from among the prisoners taught by a competent baker employed for that purpose until a competent teacher from among the prisoners could be trained.

Daily bills of fare properly balanced have been worked out by competent authorities for each day in the month and each meal is prepared and served under the constant supervision of one or more of the prison officials and assistants. Meals properly prepared served hot have replaced the poorly prepared meals served cold prior to this period. There has been only a slight additional cost attached to this improvement.

LXI

The dining rooms and kitchens have been completely overhauled, the windows screened against flies, the plumbing and heating improved and the tables rebuilt along sanitary lines so that they are kept clean at all times. Foul odors are no longer noticeable in these places. In some of the prison dining rooms in the mining district where prisoners are necessarily more or less irregular in attending some of their meals, steam tables installed at slight cost have proven very satisfactory in keeping food warm and palatable. An ample supply of plates, cups, saucers, pans, buckets, knives, forks and spoons have been provided in each prison dining room.

Prior to this period, little if any of the milk produced at the prisons reached the prisoners but was consumed in the guards' dining rooms and kitchens, by the wardens and their families and others, but during this period the cow barns at all of the prisons have been improved, better and more cows with adequate pasturage have been provided with a consequent increase in the flow and quality of milk, all of which, with the butter produced, is used in the prison kitchens, bakeries, dining rooms and hospitals. The eggs and young chickens produced are also used in cooking and in the hospitals. The herds at the prisons are headed by pure bred sires.

The discontinuation of the guards' dining rooms and kitchens at the several prisons has effected a saving estimated to closely approximate the additional cost of the food served the prisoners.

The prison hospitals have been improved, equipped with larger and better appointed operating rooms and are inspected daily by both the prison physician and the warden and at frequent intervals inspected by the physician inspector. Necessary major and minor operations are now performed in the prison hospitals. All new arrivals are vaccinated against smallpox. Both clinical and admission charts are prepared for each patient admitted to the hospitals whereby the physician is enabled to study and treat each patient intelligently.

The general sanitation of the prisons has been placed in charge of the local physician under the supervision of the physician inspector and the local physician reports to the department twice each month on the sanitary condition of his prison. No vermin is permitted in the sleeping quarters of the prisons.

The grounds surrounding the prisons have been improved by the planting of flowers. In some of the grounds landscape work has been attempted with pleasing results.

Gambling has been almost entirely eliminated among the prisoners and religious services are had every Sunday at the prisons. Nearly two thousand (2,000) copies of the Bible and a hundred thousand (100,000) high class magazines and periodicals have been provided for the prisoners without cost to the State.

Uniform visiting days have been adopted when friends and relatives are permitted to visit with the prisoners under the supervision of the wardens.

The remains of prisoners who die receive better preparation for burial and shipment to relatives.

Moving picture machines have been purchased and placed in seven of the nine prisons and entertainment furnished free to all prisoners of classes A and B. Several hundred dollars raised through paid motion pictures to prisoners and others have been expended for sporting goods, musical instruments and harmless games for the entertainment and betterment of the prisoners.

Twilight schools have been established at the prisons where the inmates are encouraged to attend and study.

Dairy records of the cows are kept to enable the department to determine which cows are not profitable and special attention is given to the development of promising heifers from worthy dams.

LXII

Pure bred sires head each herd of hogs at the prisons. These sires are raised by the department at Kilby Prison where a modern hog farm has been established and operated profitably.

In the general farming done by the department legumes have been extensively planted both for forage and for the improvement of the soils as well as to reduce the expenditures for commercial fertilizers.

Plans have been developed to raise all the syrup consumed at the prisons as well as produce a supply of peas and potatoes at each prison. Modern potato houses have been built to properly cure and preserve sufficient quantities of potatoes.

During this period larger crops of corn and forage have been produced on farms numbers four and five than has been the case heretofore. A corn mill has been installed at Farm No. 4 from which most of the meal consumed by the department is shipped.

The State has probably engaged in more building activity during this quadrennial period than in any other in the history of the Convict Department. Just prior to the beginning of it the antiquated building at Farm No. 4 was destroyed by fire. It has been replaced by the erection of a commodious prison building of wood on a substantial brick foundation with complete light, water and sewer systems. An additional well has been bored with sufficient flow to meet all demands.

When this farm was further developed by clearing and drainage, it became necessary to increase the storage space for farm products and sheds for the protection of farming implements. Barns and sheds were built with used lumber and convict labor, the lumber having been purchased from the United States government at advantageous prices. More recently other storage space has been provided from lumber manufactured by the State.

The original prison building at Wetumpka has been extensively repaired and thoroughly renovated for housing women convicts. A fully equipped, well lighted and ventilated tailor shop with facilities for the manufacture of all clothing and bedding required in the operation of the department will be located where there were formerly gloomy dungeons.

The State cotton mill at Speigner has been improved. Automatic looms have taken the place of old style ones, resulting in an increase in output and improvement in quality of finished product. It became necessary to replace the old slasher with a new one, ordinary wear having rendered it unserviceable.

The conditions at Speigner Prison were such as to demand a new prison building. Accordingly plans were made and a contract entered into for a building of sufficient cubic space and ventilation to meet all demands, the common labor and some of the skilled labor used being furnished from among the prisoners and the lumber furnished largely from the State's saw mill manufactured with convict labor from timber cut from the lands of the State. During this period there was constructed at this prison a new septic tank for sewage disposal of sufficient capacity to meet the needs of this prison.

During this period it became necessary to repair the dam at Speigner. Convict labor has been used to put it in such condition as to render it temporarily safe, and further strengthening of it by driving piling to permanently reinforce it is contemplated. Due to the unusual requirements from convict labor in carrying out the improvement program of the department, labor has not been available for this work and this accounts for the fact that this part of the improvement program of the department has not been completed.

The most important undertaking of the department during this period was the purchase of 1,413 acres of land, a part of the former site of Camp Sheridan, and the erection thereon of a modern prison building with a comfortable housing capacity of about 900, within an enclosure of more than

LXIII

twenty-seven acres surrounded by a reinforced concrete wall twenty feet in height. This prison building is of the most modern construction with adequate hospital, bathing, laundry, lighting, heating and power equipment. Within the enclosure there is under construction a cotton mill of 10,000 spindles capacity, the entire output of which has been contracted at the market price for a period of five years, thereby guaranteeing to the State a legitimate manufacturing profit for that period.

In connection with this prison there has been constructed a modern dairy barn equipped with all of the necessary facilities for producing and handling the product in the most sanitary way. Silos, feed carriers, and manure pits, as well as all other necessary improvements and labor saving devices are a part of this plant. This barn has been stocked with Guernsey cattle of the best blood lines and milk producing proclivities.

Nearby this dairy plant is the modern hog farm referred to elsewhere in this report. It is provided with housing facilities along modern lines and is stocked with registered Duroc Jersey hogs that consume the surplus of skim milk from the operation of the dairy. From this farm, all of the farms of the Convict Department are supplied with pure bred stock for breeding purposes.

CONTRACTS

At the beginning of this period, contracts were in force with four coal operators, viz.: Montevallo Mining Company, mine at Aldrich; Bessemer Coal, Iron & Land Company, mine at Belle Ellen; Pratt Consolidated Coal Company, mine at Banner, and Sloss-Sheffield Steel & Iron Company, mine at Flat Top.

All of such contracts with coal operators existing at the time were terminated by agreement on December 31, 1919, and new ones effective January 1, 1920, entered into for a term of three years. All of these new contracts were based on the price paid free miners for pick-mining on the Big Seam which, at that time, was 85½¢ per ton and amounted to:

\$93.12½ per month for 1st class men,
83.12½ per month for 2nd class men,
73.12½ per month for 3rd class men,
63.12½ per month for 4th class men,

and provided for an advance or decline on the same percentage as any advance or decline was made in the price per ton paid to free miners. During the tenure of this contract, the price paid the State for first class men advanced at one time to more than \$105.00 per month—the highest price ever received by the State for any of its convicts.

During the current calendar year, the Montevallo Mining Company was declared bankrupt, and its mine has been operated several months by a trustee under an order of the court. The contract with this trustee has been extended from time to time and recently has been extended to end January 31, 1923, on terms similar to those of contracts with the other contractors mining coal. In making the last extension one of the conditions was the settlement of the indebtedness of the company to the State for accrued hire of convicts.

The contracts with Pratt Consolidated Coal Company, Bessemer Coal, Iron & Land Company, and Sloss-Sheffield Steel & Iron Company, have been extended in all respects for the period of one year with the added advantage of a simpler method of definitely determining the amount of hire due for convicts each month.

In addition to the contracts with coal operators, there was one with the Horse Shoe Lumber Company, dated March 20, 1918, effective April 1, 1918, for a period of five years, and ending March 31, 1923. This contract also contained a provision for increase or decrease in convict hire based on the

LXIV

price of lumber, the base price being \$50.00 per month per man when the price of lumber is \$25.00, and an increase or decrease of \$2.00 per month per man for each \$1.00 change in the price of lumber.

This contract was used by you as a base contract, and contracts with Dixie Turpentine Company, Henderson Land & Lumber Company, Bagdad Land & Lumber Company and Alabama Turpentine Company were amended, effective February 1, 1919, so that the convict earnings under them should equal the earnings from the Horse Shoe Lumber Company. The results of this amendment are reflected in the financial statements herewith. All of the contracts mentioned in this paragraph were terminated to improve conditions with those convicts employed under them.

In addition to the manufacture, at Wetumpka, of clothing and bedding required in the operation of the department, a contract has been entered into with the Life-wear Manufacturing Company that will furnish profitable employment for not less than eighty-five nor more than one hundred and fifty prisoners. There has been equipped a room in the prison by the second party with modern cutting tables, machinery and appliances for the expeditious and economical manufacture of a garment under the supervision and instruction of the second party who will maintain and keep in repair all the equipment and compensate any person for damage or injury resulting from failure to so maintain and keep in repair such equipment. Under this contract, the State is to furnish the necessary light, heat and power for the operation of the plant, and will receive a stipulated price for the manufacture of the garments, at the same time retaining the control and management of the convicts.

The output of the mill under construction at Kilby Prison is to be consumed by the Reliance Manufacturing Company in a plant to be equipped by them within the prison enclosure. This plant is to furnish profitable employment to not less than three hundred (300) nor more than six hundred (600) prisoners, and will be operated under the supervision and instruction of the second party with light, heat and power furnished by the State, which will receive a stipulated price per garment and in addition a fixed return for transporting and handling the raw material from mill to warehouse. There is an option in this contract, whereby the capacity of the Kilby mill may be increased from 10,000 to 25,000 spindles and the second party take the increased output. This contract makes further provision for the sale of the output of the Speigner mill and its present capacity to the second party, should the State elect to manufacture a product of certain specifications. Payment under this contract as well as under the one with the Life-wear Manufacturing Company is to be made to the State by the 10th of the succeeding month.

FINANCIAL STATEMENTS

There are attached hereto both detailed and condensed statements of the receipts and disbursements at each prison during the quadrennium, showing among other things the increased revenues received from the revised contracts effective February 1st, 1919 and January 1st, 1920.

From these statements it will be readily seen that the earnings of the convicts have been greater than at any period in the operation of the department. In addition to the high earnings of the prisoners during the period, the prison properties have been brought to a higher state of development than at any time in the history of the prison system of the State. After maintaining the department and making investments of more than \$1,000,000.00, there remains excess earnings for this period of \$2,360,098.52.

The farming and gardening operations of the department are shown to have yielded greater returns than heretofore and the State's farming lands are in a higher state of cultivation at the close of the period than they were

LXV

at the beginning. In the recent past, a farm land expert viewed one of the State's farms and his comment contains the following:

"Most of the soil seems to have been well handled, the crops rotated, and the fertility maintained by manuring, fertilizing and the growing of such legumes as cowpeas, velvet beans and peanuts."

There is also attached a condensed inventory of prison properties and equipment showing the investments of the State in lands and buildings to be \$2,155,172.37, and in prison and farm equipment to be \$182,911.10, making a total investment in prison properties and equipment of \$2,338,083.47. The values placed on the properties are conservative, being based on the selling price of the adjoining property while the equipment has been valued by competent persons who are familiar with all of it, including the livestock.

In preparing this inventory, the growing crops on the farms have not been included.

Respectfully submitted,
WM. F. FEAGIN,
State Warden General."

ALMSHOUSES AND COUNTY CONVICT CAMPS

Your attention is directed to the following statement concerning almshouses and county convict camps, by Dr. Glenn Andrews, State Prison Inspector. His suggestion that county convicts be delivered to the State for keeping and working meets with my hearty approval and I commend it to your earnest consideration. I also approve of the proposed plan for district almshouses and hope some such plan may be worked out:

ALMSHOUSES

"Regular visitations have been made to the almshouses of the State and suggestions and advice given looking to improvement of these institutions. In some counties, there has been a marked change for the better, several having either overhauled old buildings, or constructed new ones, and more adequately met the demands for the ordinary comforts of life, and in providing wholesome food. Some counties have made less progress along this line, and others have done practically nothing, but have continued a policy of shameful neglect toward this unfortunate class.

The provision made for the indigent is, in many of the counties of this State, to say the least, indifferent, crude and productive of evil results, and reflects neither credit upon our generosity nor Christian civilization. It is not enough to say that we are doing equally as well as most other states. That neither relieves our reproach nor removes the danger of poverty.

Destitution is the greatest evil with which man has to contend. It begets poverty, ignorance, crime, disease, and death. Hence, it is the supreme part of wisdom to combat it in an intelligent and wholesome way. There are at present more than one thousand inmates in the county almshouses of the State, and this number, unquestionably, would be greatly augmented if better accommodations were provided; for, it is a matter of common knowledge that these unfortunates frequently make the best of doubtful conditions in preference to going to the county institution which offers but little, if anything, better than the squalor and privation which already surrounds them.

The feeble minded, epileptic and insane, of course, are not proper subjects for the almshouse, and should, and must, have different provision made for them; and children between the ages of one and eighteen years should be barred by State statute from these institutions.

Upon visitations to the almshouses of the different counties, from time to time, fifty-five children were found confined in them. Their cases were,

LXVI

in each instance, reported to the Director of the Child Welfare Department, in order that such provision, as was possible, might be made in order to remove them to more suitable surroundings.

In most of the counties of the State the almshouse property consists of a farm varying from a small tract of land in some, to quite an extensive acreage in others, and houses for the superintendent and inmates. The buildings generally are very cheap box affairs, constructed of rough lumber, and are provided with no conveniences. The furnishings are in keeping with the structures, and the surroundings are uninviting. In a large majority of instances water, for all purposes, is obtained from surface wells, drawn in buckets. No bathing facilities being provided, the inmates use small tin tubs or basins, for this purpose, or go without ablutions for indefinite periods of time. Ordinary surface closets, in the main, are in use, and they are both offensive and dangerous. It can be readily seen that the simplest principles of sanitation cannot be enforced, and that comfort is impossible under such conditions.

In a majority of the counties the commissioners enter into a contract with some person to supervise and conduct the almshouse, paying him on a per capita basis from about eight to twenty dollars a month, and he has, in addition, the proceeds from the cultivation of the farm lands, if there be such, for feeding and caring for the inmates. The counties usually supply furnishings for the houses, and provide shoes and clothing for the inmates. However, in some instances, the superintendents are required to furnish the shoes and clothing.

Under the system generally practiced in the State, the supervision, care, direction and control of the inmates of the almshouses is practically left to the superintendent in charge. He and members of his family usually look after the inmates, and in addition, do the work required about the premises and the farm. The contract is entered into by the county on account of its supposed saving in money to the treasury, and by the superintendent as a means of providing a support for himself and family and of laying up money for the future. It can be readily understood that the inmates, necessarily, frequently suffer from neglect, this being specially the case among those who are ill.

It is not so much the fault of the supervisors, as it is the system in vogue, that makes conditions, in many of the almshouses of the State, unspeakable, and a betterment cannot be reasonably expected until a radical change is inaugurated.

With limited exceptions there is but little, if any, provision made for religious services at these institutions. Men and women sicken, suffer, die and are interred, without the privilege of ministerial consolation or decency of Christian burial. Only a pauper, and no one cares.

A ready commingling of the sexes obtains in all but a limited number of the almshouses. A very large majority of the inmates of these institutions are, of course, aged; however, there are men among them who are virile, and women still capable of child-bearing, and it is imperative that there should be absolute sex segregation.

Children, the product of almshouses, are either feeble minded, or if normal, almost invariably become criminal, and, hence, are not only a menace but a care to society.

Only a proportion of the indigent and feeble minded find their way into the county almshouses. Many of the remainder roam at large, giving life to disease, poverty, crime, sorrow and distress, adding an incalculable burden to be borne by the unthinking public. Unfortunately this state of affairs is greatly augmented in some of the counties by the action of those in authority who, instead of making proper provision for the care of this class, and bringing them under observation and control, actually invite the condi-

LXVII

tions above mentioned by paying out a stipulated amount each month to certain paupers, and permitting them to live and go where they please.

Fortunately the percentage of destitution in the State is, apparently, no excessive. However, the condition is here and demands careful consideration in order to mitigate, as far as possible, the suffering which it causes, and to circumvent the evils which it begets.

The loss entailed from poverty is largely intangible and, hence, it is difficult to make the people appreciate its magnitude. It is reasoned that if a man is unable to labor, how can there be a loss if nothing was ever earned? The answer is obvious. When a person, from any cause, fails to sustain himself, and to add to the accumulated wealth of the community, by his efforts, the amount usually produced by the able-bodied, the community loses that much. Again, it is well recognized that each dependent calls for the services of another to care for him, and this loss is further sustained. If for no higher motive, selfishness demands that rational procedure be had which will estop such conditions.

The poor farms of fifty-three counties comprise an aggregate of 4,790 acres of land. Eleven counties maintain no almshouse and three, viz.: Clarke, DeKalb, and Pickens, have failed to report. These lands are valued at \$186,800.00 and the buildings and furnishings at \$271,566.00, or a total of \$458,366.00.

It cost in money actually paid out by sixty-four counties last year \$189,066.07 to operate these institutions, and in caring for the poor. In addition to this, in most of the counties, the returns from the cultivation of the lands was allowed as a part of the remuneration of the superintendent of the almshouse. These counties cared for an average of 1,081 inmates per month during this period of time. It will be seen then that it cost \$14.57 per capita each month to provide for the paupers. This, however, does not provide a clear idea of the true conditions, for the cost of such purpose varies widely in different counties. One county paid as high as \$40.11 per month for each person, another \$34.16, while on the contrary it cost but \$2.00 per capita a month for another county to farm out her wards.

Again, this property belongs to the different counties of the State and is non-taxable, the State and counties thus lose the taxes therefrom. There is invested about \$450,000 in money, which is non-interest bearing, and in most instances, at least, brings but little, if any, return to the county making the investment. These are legitimate items of cost to be added to the annual expenditure for the maintenance of the paupers.

Four hundred and fifty thousand dollars is not an unreasonable amount to have invested for suitable places in which to care for the State's unfortunates of this class, nor is \$190,000.00 a large amount to pay annually for their support, provided they are well cared for, and society receives just and adequate protection in return. The expenditure of a much larger amount, if necessary, to gain these ends would be economy. However, under the prevailing system, in most counties, neither is attained.

Poverty being recognized as the greatest curse confronting society, then society owes it to itself to institute all possible measures, that are reasonable, to control and wipe out pauperism, and while providing unselfishly for the unfortunates of this class, at the same time, should demand of all such who are mentally and physically able to labor, even in a limited degree, that they perform given daily tasks, thus aiding in their own sustenance. By such requirements and proper oversight, all of them will be made happier and healthier, and some, at least, returned to avenues of self respect and support.

Since the laws of the State governing these institutions are practically negligible, comprehensive statutes must be enacted by the Legislature for their control. The question must not be considered merely from the stand-

LXVIII

point of caring for the unfortunates among us, but, as well, for the protection of society from suffering, vice, crime and death, and from the great financial burden which such conditions, when permitted to run at will, entails.

The county commissioners should realize the great and menacing burden, which present conditions place upon the community, and recognize that the management of these institutions must be reduced to a practical and common-sense basis. The county must operate the institutions, selecting a superintendent according to given qualifications, and place him upon a salary adequate to command both his talents and time, and furnish such necessary assistance as may be demanded.

The first cost for establishment and subsequent overhead expense is the chief financial burden. It occurs that if several contiguous counties, or all the counties of a congressional district, or of some other unit, should unite in constructing and maintaining an almshouse, these items would be greatly reduced for the individual counties participating.

Besides comfortable homes, each institution should be provided with farm lands of sufficient acreage to produce all necessary vegetables in abundance, and to graze cattle for meat and dairy purposes.

County convicts should be designated for given work, and these together with such of the inmates as are able to labor, could make the farm practically support the institution.

A proper place having been provided, society, for self-protection, must force all who are unable to gain self-support and have no one to care for them, to enter the institution and be subject to proper discipline and control.

Adequate provision must be made to separate completely the worthy from the vicious, and the sexes must be kept absolutely apart. Wise discipline, orderly work and kindly management will undoubtedly inspire new hope, and a desire for better things in the minds and hearts of some of these unfortunates, and if carried to a logical conclusion, such humane course will, within a generation or two, work a complete revolution in the matter of pauperism in our State."

COUNTY CONVICT CAMPS

"While making inspections of other institutions my attention was called to the conditions prevailing in the camps for county convicts in several of the counties.

Your Excellency was advised relative to this, and under the provisions of the General Acts of the Legislature 1911, page 631, you authorized me to visit all such camps, and to exercise such jurisdiction over them as is provided by law.

The statutes relative to county convicts are inadequate, and should be so revised as to bestow more direct authority upon the State regarding their management and control.

At present ten counties are working their convicts on the roads, one of which leases the convicts of four other counties, and one divides its convicts, sending part of them to the mines. Two counties lease their convicts to farms, fifteen to two different lumber camps, and thirty-seven to a coal mining company.

From time to time these camps have been visited, as opportunity permitted, and in several of the counties there has been marked improvement in the housing, general sanitary conditions, food and in other ways tending to make for the better care and comfort of the prisoners.

In some, however, the conditions are far from satisfactory. The limited number of convicts makes it too expensive to properly provide and care for them, and as a result the men suffer from a lack of the most ordinary comforts and from neglect.

LXIX

Where men are taken out on the road to work, in some instances, the movable steel cages are used, and the men are necessarily crowded into them upon returning from work, and have not sufficient room for exercise or recreation to which they are entitled.

The overhead expense, incident to these county camps, is usually a burden greater than the returns gained from the labor of the prisoners. Again, under this system a man is sentenced to hard labor and no account is taken of his physical condition.

The number of convicts is too small in a large majority of the counties, to afford the necessary expense to provide for observation and classification before assignment to work, and too, a county can only use her convicts in a limited sphere, either to work the roads or farms.

In several of the counties where the convicts are worked on the roads, the county authorities state that the labor is satisfactory and that the cost is no greater than that of free labor, if as great. However, the authorities of some counties frankly say that the system is both unsatisfactory as to results obtained and expensive. The members of the Board of Revenue of one of the counties said that, the system wrought a great burden, and was highly unsatisfactory and was only kept up through regard for public sentiment which demanded that the convicts be worked on the roads.

The fact that fifty-seven counties have abandoned the working of their convicts, and are leasing them to other agencies for small remuneration, is strong evidence that the system of county operation, as practiced in this State, has been a failure, and suggests that more rational means should be instituted for disposing of these prisoners.

These convicts are largely drawn from among petty offenders and, hence, the sentences of many of them are for short periods of time, a few days or months, and hence, contracting companies, who are required to take all the convicts of a county, regardless of physical condition or term of sentence, pay only a nominal amount per capita for them. These companies, of course, enter into the contract for the purpose of gain, and expend no more than they are compelled to upon the care and comfort of the prisoners, and exact as much in return as the men can be made to produce, with their labor. There is no supervision over these places, except such as is afforded by occasional visits from a State representative.

If prisoners are to be leased, the institution leasing them should be brought under close supervision and control in order to minimize or prevent evils, which, otherwise, will inevitably creep in.

The wide difference in population, property values, climatic conditions and racial integrity, between the several counties of the State, renders it difficult to establish a uniform system of employment for convicts which would be applicable alike to each unit. Possibly a district, comprised of a number of counties, might in a way solve the problem, and certainly has many advantages over the present individual plan. The overhead expense would be greatly reduced, and the larger number of prisoners employed in labor would justify better accommodations and care, and enable the authorities to pay larger salaries, thereby securing more intelligent supervision. In the event a county did not work her convicts it might be required that they be delivered to the State for disposition, the State in return paying to the county a just amount for the services of the convicts less transportation expenses.

For obvious reasons, small or sparsely settled communities rarely make adequate provision for these unfortunates, and inhuman treatment inevitably results sooner or later wherever it is undertaken.

A person adjudged guilty of transgression of the State's law, misdemeanor or felony, should automatically go to the State for punishment. Such procedure, however, would require a radical change in the existing laws and custom in this State. It is a proposition tho' well worth consideration.

LXX

The State alone, on account of the magnitude of the question involved, and the necessary great cost, can supply the means whereby prisoners may be properly classified according to mental as well as physical condition, and institute such varied occupations as will make it possible to use to advantage the different prisoners according to their several abilities and terms of sentence, at the same time teaching them useful occupations, and thus afford the best means by which efforts can be put forth which will tend to lead to an elevation in morals, and open the door of hope, to some at least, who have found their way into paths of wrong doing, and returning them to society better for their punishment, and with an opportunity to lead useful lives, instead of confirmed criminals, made four-fold worse through the means which were resorted to as punishment for their misdoing.

A great deal of theory and well meaning sentimentalism is offered as a means of controlling and disposing of criminals. However, there should be no illusions nor delusions on the subject. The criminal as a class has to be dealt with firmly and positively, but this should be tempered with a kindly spirit of humanity. They should be made to labor at such service as they are best fitted for, and is provided by the State, in order to requite the State for their crime, and to maintain the expensive system of courts and prisons made necessary by their class.

A prison system is a complex question of many angles and huge proportions, and of such magnitude and importance as can be properly handled only by the State. This being the case, the State should exercise the majesty of her power and establish and operate an institution which will give profitable employment to all who are committed for transgressions of the law, affording them every reasonable opportunity for development of character, and becoming useful citizens when released from servitude, but, at the same time, exacting a just recompense to relieve society from excessive burdens caused by their acts, and protecting it against their future misdoings, and serving as a deterrent to others."

UNIVERSITY COAL LANDS

The Legislature by an Act approved September 23, 1919, directed the Governor and the Board of Control and Economy to make an investigation of the practicability of employing State convicts in the mining of coal on the lands of the University of Alabama. An appropriation of \$250,000 was authorized by the same Act for the purpose of developing the coal lands if it was deemed feasible and practicable. The conclusion was reached, after investigation, that the mining of coal from lands belonging to the University was not feasible or practicable with the amount of money authorized for the purpose.

In the opinion of the Board, to open and equip a mine with a capacity of 1,000 tons per day electrically operated would cost approximately \$500,000.

CONVICT LEASE SYSTEM

By an Act of the Legislature approved September 23, 1919, it was made unlawful for any person to lease or let for hire any State or county convict to any person, firm or corporation after January 1, 1923. By an Act approved October 29, 1921 the time

was extended one year. There has been much misapprehension throughout the State as to the effect of these Acts. The impression is quite general that the law forbids the working of convicts in coal mines after January 1, 1924. A casual reading of the law shows that it does no such thing. The law forbids the **leasing** of convicts after January 1, 1924, to any one for any purpose, but it does not prohibit the State from **working** convicts in mines provided they are not leased or let for hire.

The effect of this legislation is to abolish the convict lease system, but it permits what is known as the contract system. Under the law it would be possible for the State authorities to contract with a coal operator to mine, load and deliver coal at the mouth of the mine at so much per ton.

I have never been infected with the maudlin sentimentalism that is responsible for the doctrine that it is cruel and barbarous to work convicts in mines, that the convict should never be deprived of the open air and sunlight which is denied thousands of honest free workmen who choose mining as their business in life. But, I do believe that the convict should not be sent in to the mines except under conditions that will absolutely insure his good and humane treatment.

I have thought that the working of convicts in mines under the contract system would be safe and just to the convict, but with the light of a longer and broader experience and earnest consideration I have become convinced that no convict should be sent in to the mines except under conditions that remove him absolutely beyond the control and interest of any private person whatsoever. The only safe and justifiable conditions under which convicts can be worked at coal mining would be in mines owned or leased by the State and operated independently of all outside interests. I therefore recommend that the Act of September 23, 1919 be further amended so as to forbid the working of convicts in any other than State-owned or leased mines.

The effect of such amendment would be to leave on the hands of the State a large number of convicts without means for their employment. That situation could be met by the lease of coal lands of the University, or the purchase or lease of coal lands more advantageously situated, and the development of mines thereon.

Another way to meet the situation would be to double or treble the size of the State cotton mills and develop other manufacturing establishments. A good start in that direction has been made in the building of a 10,000 spindle mill, a shirt factory and a dye works at the new prison which will give employment to nine hundred men. No other employment will be as remunerative as coal mining, but that fact should not deter the Legislature from the performance of a plain duty. The taxpayers of

LXXII

Alabama are able and I believe are willing to get along without the use of anything that looks like "blood money."

COAL MINE EXPLOSIONS

It seems impossible to prevent periodical gas explosions in the coal mines of Alabama. The horrible catastrophe which occurred at Dolomite mine, in Jefferson county, November 22, 1922, in which 80 lives were lost and 60 men were injured is a striking and sad reminder of the fact.

The United States Bureau of Mines and eminent mining experts have recently recommended the electric cap lamp as a valuable safeguard against explosions. I am informed the electric lamp is proving successful wherever used and that it is no longer in the experimental stage. Three gaseous mines in Alabama have recently installed this system of lighting. There is no authority vested in the Mine Inspection Department for requiring the mines to adopt this safety device. I recommend that the law be so amended as to make the use of it in gaseous mines compulsory with a suitable penalty for violation of the provisions of the law. I further recommend that all reasonable restrictions of dangerous practices in mines, such as smoking, carrying matches, building fires and the like, be adopted and that every possible safeguard be thrown around the miners while at their work.

PARDONS AND PAROLES

No prerogative of the Chief Executive exposes him to more unjust censure than that of the pardoning power. In my inaugural address I said that I would be slow to disturb the verdicts of the courts and that "when a grand jury, a judge, a petit jury and an appellate court have spoken I should hesitate to interfere with their judgment unless on matters arising after the trial, and then only when I am satisfied injustice has been done."

I confess that it has been impossible for me literally to carry out that determination. Difficult, very difficult, cases are constantly brought to the attention of the Governor and his sympathies are constantly appealed to. He holds in his hands, as it were, the bleeding hearts of thousands to crush or to heal by the utterance of a single word or by the stroke of his pen. And so, can there be any wonder if now and then he commits error on the side of mercy?

Notwithstanding the great difficulties necessarily encountered in the exercise of this power, I am confident that I have not misused or abused it. The following will show the extent to which the power to pardon and parole has been exercised during my term of office:

LXXIII

State Paroles—Issued January 20, 1919 to date, December 7, 1922.

1919	125
1920	141
1921	126
1922	98
Total	490

County Paroles—Issued January 20, 1919 to date, December 7, 1922.

1919	26
1920	26
1921	45
1922	36
Total	133

Pardons—Issued January 20, 1919 to date, December 7, 1922, for the purpose of restoring civil and political rights to ex-convicts who have served their time or had been paroled and made good citizens.

1919	7
1920	16
1921	18
1922	14
Total	55

THE INDETERMINATE SENTENCE LAW

The operation of this law during the past three years has justified its enactment. I call your particular attention to the remarks of the State Warden General concerning it in his report quoted in this message. His suggestion that prosecuting attorneys and trial judges be required to furnish information, such as they possess, relative to the offense committed, mitigating or aggravated circumstances and impressions as to the disposition and character of the felon in all cases of conviction for felony would, if adopted, be of very great assistance to the Board of Pardons and the Governor in the consideration of applications for paroles and pardons. The law now requires such reports from judges where the penalty is five years or over. It should embrace all felony cases and reports should be made by the solicitor as well as the judge.

THE ELECTRIC CHAIR

The gallows as a means of inflicting the death penalty for crime dates back to the period when punishment and torture were synonymous terms. All means of taking human life are abhorrent and it is certain that no perfectly satisfactory means will ever be discovered. It seems, however, in the absence of any satisfactory method the most humane one should be used. Elec-

LXXIV

trocution is quick, sure and painless and even if the first shock does not produce death the victim loses consciousness and dies without pain.

I recommend that an electric chair be installed at the new prison near Montgomery and that all persons sentenced to capital punishment be sent there for execution.

REFORM OF JUDICIAL SYSTEM

My first message to the Legislature contained the following:

"I recommend the creation of a committee of the Senate and House, or a committee of lawyers, not members of the Legislature, to sit during the recess and make a survey of our judiciary system and court procedure and to re-arrange the judicial circuits with a view to reducing the number of circuit judges and courts, if any are found unnecessary. Many judges of circuit courts have not enough business in their circuits to engage more than one-third of their time. Court officials, and all other State officers, for that matter, should work for the State twelve months in the year with reasonable vacations. I can see no more reason for the State paying men full salaries for three or four months' work than there is for private business concerns paying their employees for work which is not performed. Such practice is unheard of in private business."

The committee was promptly appointed but little was accomplished as a result of its labors. I renew the recommendation.

PUBLIC SERVICE COMMISSION

By Acts of the Legislature approved October 1st and 2nd, 1920, the authority, powers and jurisdiction of the Public Service Commission were greatly enlarged, affording the Commission opportunities for real and far-reaching service to the people of the State. Because of dissensions within the Commission, I regret to say, those opportunities have not been embraced to the extent contemplated by the laws and consequently the people of Alabama have not reaped the benefits of this department of the government to which they are entitled. With the change of the personnel of the Commission that will shortly occur, I confidently expect the wisdom of the Legislature in creating the Commission and enlarging its scope of powers and duties to be fully shown.

SECURITIES COMMISSION—BLUE SKY LAW

It is a source of gratification that I am able to say that the State Securities Commission, composed of the members of the Public Service Commission, created by Act of the Legislature, approved October 1, 1920, for the purpose of administering the "Blue Sky Law," has fully justified its creation. The operation of the law has, in my opinion, resulted in the saving of millions of dollars to our people. The total net cost of maintaining the Commission from the passage of the "Blue Sky Law" in 1919 to

October 1, 1922, was \$8,063.53. I quote from a report of the Commission as follows:

"During the year 1920-21 seventy cases, or applications, were by the department investigated, reported on, and hearings had thereon before and decisions rendered by the Commission. The total capitalization of the companies involved in such hearings was in round figures \$27,920,000. The number of applications favorably acted upon by the Commission, and in which permits to sell and offer for sale in this State "speculative securities" were authorized, was twenty (20). Of these, fifteen (15) were conditionally favorably acted upon; that is to say, conditions precedent to the issuance of such permits were imposed by the Commission. This was done wherever the Commission found that such was necessary in order to protect the rights and interests of the investing public. Such applicant companies were required to fully comply with such conditions precedent before permits were issued to them. This is the usual practice of this Commission.

During this year there were received and officially filed with the Commission applications from companies for permits to sell \$5,996,830 of such securities. Of these the total amount authorized by the Commission to be offered for sale in Alabama, including those conditionally authorized, was in the sum of \$4,919,830. The Commission, for one or more of the grounds set forth in section 6 of the Act, refused to issue permits to ten applicant companies, which refused permits aggregated \$1,805,000 of par value of such "speculative securities." There were nine suspensions of permits.

The total amount of property examined, valued and appraised during the year 1920-21 was in the sum of \$15,619,323, and was owned by thirty different companies. These examinations include examinations of legal title.

During the past fiscal year, October 1, 1921 to October 1, 1922, there have been held by the Commission fifty-one hearings of cases, or applications, on all of which written decisions have been rendered. In each instance the department has investigated and reported on the legal and financial organization and plans of the company in question, on the personnel, or officers and directors, and has appraised the physical and intangible properties thereof. The total authorized capital of companies which have officially filed application with this Commission, during the year 1921-22, for permits to sell "speculative securities" in this State is \$48,940,000. The total authorized capital of all companies considered and passed on during this year by the Commission is in the sum of \$65,050,000. The total amount of permits applied for during the year is in the sum of \$7,995,690, not inclusive of contracts of contract loan companies, all of which latter have been refused permits with one exception. The total amount of permits issued by the Commission during the year under consideration is in the sum of \$5,417,550, embraced in fourteen permits. The total amount of permits applied for and which this Commission has denied and refused to issue is in the sum of \$2,578,140, contained in eight applications, not inclusive of the contracts of contract loan companies, above referred to. The department has received, checked and audited seventy-two quarterly reports, showing the financial standing and condition of companies holding permits. The department has investigated and approved forty applicants for agents' licenses, to whom licenses were issued to sell such securities.

There have been nine suspensions of permits issued to companies, by reason of unsatisfactory showings as to their financial condition or by reason of such companies failing to file the full information required. This action stops such companies from lawfully further selling their securities in this State until their financial conditions have been shown to be satisfactory by reports filed with and approved by the Commission.

LXXVI

The department has investigated fourteen alleged violations of law in the sale of securities, or stock, which were deemed by the department to constitute violations of law. Each of these was placed before the circuit solicitor of the judicial circuit wherein the transaction, or transactions in question occurred, together with the evidence in each case. In twelve cases indictments, or true bills, were returned by the grand jury. In two of these cases the defendants plead guilty. In one case, upon trial, conviction and sentence by the court was had. To seven indictments, demurrers were sustained. In two cases complaint has been filed with the President of the Commission against companies to which permits had been issued, but which had been by the department suspended. These complaints were heard by the President of the Commission who, after such hearings, made his findings of fact under section 11 of the Act. In each instance the suspended permits were by the Commission cancelled.

It is only within the last ten years that the imperative necessity for such legislation has gradually forced itself upon the minds of the legislative governing bodies of the various states of the American Union and Canada. In England the "English Companies Act" supplies the necessary legislation. In this country, Kansas was the first state to adopt a securities act, or "Blue Sky" law, which was in 1910. Other states have one after another followed her lead, until now forty-three of the states have adopted "Blue Sky" laws. Three of these states have Corporation Commissions, having jurisdiction of the issuance of all corporate charters as well as the issuance of permits, or authority, to sell "speculative securities;" these are Arizona, California, and Oregon. In six states, the personnel of the securities, or "Blue Sky," Commission is, as in Alabama, composed of the members of the Railway or Public Utilities Commission; these states are Alabama, Massachusetts, Nebraska, Minnesota, Virginia and Wisconsin. Massachusetts is the last state to adopt a "Blue Sky" law. It did so after a special commission had investigated and studied the matter for about a year, and adopted the Alabama way of handling it.

In Canada, "Blue Sky" laws have been adopted in the Provinces of Alberta, Manitoba, Saskatchewan and Ontario, the latter having become effective on July 1, 1922.

Ever since there have been "Blue Sky" laws, one of the greatest difficulties encountered by the various state commissions has been in law enforcement in relation to the interstate use by promoters of the United States mails and other agencies of interstate commerce. This difficulty was encountered by the Alabama Commission shortly after its creation. The question was carefully investigated and studied. The Alabama Commission conceived the idea of a national postal regulation, prohibiting the use of the United States mails, etc., in interstate commerce, for the purpose of selling or offering for sale securities in another state in contravention and in violation of the laws of such other state. Later this commission, at the request of the National Association of Securities Commissioners of the United States drew the first draft of the Denison Bill, introduced in the National Congress by Congressman Edward E. Denison, and has actively co-operated in efforts to secure its enactment by the National Congress. This bill has passed the lower house almost unanimously and is now pending in the Senate, with good prospect of an early passage. The bill has, among others, the support of the American Bankers Association, of the Real Estate Mortgage Bankers Association, of the National Association of Securities Commissioners, of the Associated Advertising Clubs of the World, and of the Post Master General of the United States. Its becoming a law is practically assured and will be a long step toward preventing the sale of fraudulent and worthless securities. Its enactment will eliminate the greatest difficulties heretofore encountered by State commissioners in the prevention and control of this evil.

It has been estimated by the Treasury Department of the United States that the people of this country have lost as much as \$5,000,000 annually through the sale of fraudulent and worthless stocks and other securities; and that \$4,000,000 of liberty bonds were taken from purchasers in some of the states of the middle west in a few months in exchange for worthless or doubtful securities that promised larger returns. In 1919 Mr. Louis Guenther, editor of the Financial World, published in the World's Work a list of get-rich-quick promotions whose capitalization exceeded \$3,000,000,000.

The only criticism that has been heard of the work of the department has been as to what some have thought to be delays incident to obtaining the action of the Commission upon applications and the issuance of permits. This in reality can not be taken as a criticism of the work of the department. What appears to be such delay is occasioned by the care with which the department examined and investigated the legal and financial organization of such companies, of the personnel of its officers and directors, of the legal titles to its properties and the care with which the department appraises and values the properties of such applicant companies. Great care must be exercised in doing these things in order to protect the investing public against fraudulent and worthless issues of securities.

The greatest benefit afforded to the people of this State by this law and this department however is not reflected in the applications or cases it has acted upon; it does not in fact show in the figures of this report. The get-rich-quick promoter knows that he can not qualify and obtain a permit, and consequently stays out of Alabama. Were it not for this law, these would flock to Alabama from all over the United States. Mr. James Weatherly, chairman of the legislative committee of the Alabama Bar Association, in his report to the Association on April 20, 1920, stated, in brief, that it was estimated that the effect of this law would be to save to the people of this State annually several million dollars that would otherwise be taken out of this State in worthless and questionable securities most of which would never return; that if the effect of this law was to save to the Alabama investing public only one-fifth of this amount, it would accomplish more good than at first would seem possible. Actual experience shows that the above figures are too low; twice this amount, it is now conservatively estimated, would in fact be more nearly correct.

Unfair competition in business is one of the things which the sound, legitimate business interests of this State and nation have for years actively and vigorously fought against. It strikes at the very heart of sound financial and business conditions. Of all unfair business competition, unsound blue sky promotions, with watered stock, etc., etc., is the most insidious, unfair and difficult for the legitimate business concern to combat.

Any well informed person familiar with business conditions in Alabama prior to November 28, 1919, when the first "Blue Sky" law went into effect, will recall how this State was literally over-run by salesmen of wild-cat, fraudulent or worthless securities. Even now this Commission received on an average of from two to six letters a week from Alabama citizens who purchased such stocks before there was a "Blue Sky" law, who have lost their money and who are now writing this department for assistance in trying to get information concerning the company in whose stock they invested. This is cited as showing a part of the benefit to the people of having such a law. Since the creation of this Commission, all well informed, observant people have noted the marked decrease in the number of such get-rich-quick stock-salesmen, and in the amount of such stock being offered for sale in Alabama. In fact, Alabama, is now practically free from such fraudulent and worthless security offerings, except through the United States mails. This, it is believed, is of much greater benefit to the people of this State than the actual work done by the department, however valuable that may be.

LXXVIII

If anything, the effectiveness of the work of the department should be strengthened. This can be done, in my opinion, without increasing additional costs, by providing a simplified form, or forms of indictment for use in prosecutions of law violations. This I would recommend."

WORKMEN'S COMPENSATION LAW

Among the laws passed by the Legislature of 1919 none is more far-reaching in its humanitarian aspects than that of the "Workmen's Compensation Act." This law became effective January 1, 1920, its administration through the Act being placed in the hands of the Director of the Department of Archives and History. There have been reported to the Commissioner since that date and to October 1, 1922, a total of 16,304 compensable cases of injured workmen. The amount of compensation paid to these men by employers and compensation insurance carriers totals \$1,406,972.63. The number of cases adjusted through the circuit courts during that period was 376 with an award value of \$406,961.07.

The above figures refer only to those cases in which the period of disability exceeded two weeks. None of the foregoing figures include medical expenditures, burial and other expenses, covering only compensation.

Under the Act employers working sixteen (16) or more men automatically come under the law unless they elect not to do so. Many of these carry their own insurance without any form of bond while the majority insure their risks by compensation underwriters operating in Alabama.

AMENDMENTS SUGGESTED

Since the enactment of the Workmen's Compensation Law and three years' experience the need for amendments is apparent. The Act should be re-written and couched in language intelligible to all, including the working man himself. A table of specific awards should be tabulated instead of reading continuously as at present, and a section set aside for definitions of the terms used, to be arranged alphabetically. Instead of applying only to employers working sixteen or more employees the number should be reduced to five (5). The coverage of railroad employees should be explicitly defined. The law at present specifically states that it shall not apply to any common carrier (doing an interstate business) while engaged in interstate commerce. At present three railroads in Alabama are reporting accidents occurring to shop men. Thousands of trackmen, section hands, and others are left with no organization to look after their interests in case of accident. Trainmen proper constitute but approximately one-fourth of the total railroad employees, shopmen ex-

LXXIX

cluded. The Act should also clearly define what stevedores and longshoremen are engaged in admiralty activities.

Under the present Act settlements may be made for an amount "substantially" the same as the specific benefits of the Act, which leaves settlements within the discretion of the court. There is a conflict in the same section as to the court jurisdiction in making settlements; in one subsection the authority is fixed in the circuit and another in the probate court. The rights granted to an injured workman should not be waived by any court or individual.

In view of the fact that a number of employers subject to the law are on a precarious financial basis, less favorably situated to install safety devices, and operating a hazardous business, it is highly desirable that some form of bond be required of self-insured employers for the protection of injured workmen in case of financial disasters. In such plants the injured workmen now have no protection whatever.

The Act should be amended making it a misdemeanor and punishable by fine for any employer to charge his insurance premiums against any of his employees. The Act's benefits should be extended to cover occupational disease and disfigurement. When minors are illegally employed and injured in violation of the Child Welfare Act of Alabama the compensation paid by an employer should be increased 100 per cent.

The waiting period under the Alabama Act, or the fourteen days following an injury before compensation begins, should be reduced to seven (7) days, compensation beginning on the morning of the eighth day after the accident and becoming retroactive to the first day of disability upon the twenty-second day after the accident. The workmen's compensation laws of several states in the Union do not allow any lapse from accident to beginning of payment. A number have three days, more still have five, whereas those states that have fourteen days waiting period are reducing to seven days, or less, as fast as their legislatures meet.

The present percentage of payments in non-fatal cases should be increased from 50, 55 and 60 per cent of the average weekly wages to 55, 60 and 66 $\frac{2}{3}$ per cent. The weekly maximums of \$12.00, \$13.00, \$14.00 and \$15.00 should be increased to \$14.00, \$16.00, \$18.00 and \$20.00. The present limiting of dependents in non-fatal cases to "children under 18 years of age" should be changed so as to apply to all persons totally dependent on the injured workman regardless of their relationship, and including the wife of the injured man.

The schedule of awards for permanent partial disabilities should be restated and considerable increase specified. There is

no reason why an Alabama workman should be allowed 50% of his weekly wages for 200 weeks for the loss of an arm, while in New York and other states, the workman is paid 66 2/3% of his weekly wages for 312 weeks. The same discrepancy prevails for other lost members and senses, such as sight, hearing, etc.

In fatal accidents the payments should stop at the remarriage of the widow. The orphans should receive their compensation regardless of their mother's remarriage until they become eighteen years old. In case of the widow's remarriage the compensation payments should be made to the probate judge of the county in which the orphans reside, he becoming custodian of the compensation paid them, such funds to be disbursed at his discretion for their education and benefit.

Under the present Act medical treatment may not exceed sixty days with a maximum expenditure of \$100.00 by the employer. Experience under the law shows that \$100.00 is frequently inadequate, especially where hospital treatment and surgical operations are called for. The present allowance of \$100.00 for burial expenses should be increased. A schedule of physicians' fees should be adopted to secure uniformity throughout the State and a time limit fixed for the presentation of the physician's bill.

At present Alabama has no law requiring the installation of safety devices in industrial plants. Such an amendment should be made to the workmen's compensation law and inspectors provided. The law should call for the services of a law enforcement officer of this State and such other work as the commissioner, in conference with the chief executive of the State, should deem wise looking to the proper enforcement of the law.

All accidents in which an expenditure is made for any reason should be reported to the commissioner within seven days. The present Act affords an opportunity for delaying reports and prevents a prompt review of the case by the commissioner. A penalty should be assessed against every employer who fails to report accidents or submits incomplete reports to the commissioner. Physicians should be required to report to the commissioner every industrial accident treated by him on blanks furnished for this purpose and a penalty assessed for each case of delinquency. Every employer subject to the compensation law, as amended, should be required to register with the commissioner on blanks furnished for that purpose and failure so to register should subject such employer to a fine. Under the present law it is impossible for the commissioner to know whether all employers of the State amenable to the law are reporting or not.

Probate judges, with whom notices of election not to come under the Act, are filed should be required to supply the com-

missioner with duplicates of such notices. The commissioner should be authorized to amend the report blanks now in use and create new ones as the necessity arises.

A very important amendment that should be enacted is a provision that no employer's first report of injury should be submitted to the commissioner through a second party or parties. Any other method than this admits of delay (either willful or not) in the insurance carrier's department and affords a source of uncertainty and annoyance in the analysis of reports.

The Legislature made no specific provision for salaries or expenses for the conduct of the workmen's compensation division, leaving the matter to the discretion of the Governor. The present commissioner has conducted the work during her entire term of office without remuneration and with the assistance of only one clerk, whose salary is paid from the Governor's Contingent Fund. The cost of printing and distributing the accident report blanks, postage, office supplies, etc., has amounted to a total of \$6,126.29, from January 1st, 1920 to October 1st, 1922.

On account of the importance and scope of the work devolving upon the administration of the workmen's compensation law the duties should be performed by a commissioner who has no other official position and an adequate clerical and field force should be provided.

The authority of the commissioner should be increased from the present status of a mere statistician to that of an executive with proper powers looking to the development of the law along the broadest and most useful lines.

ALABAMA MEMORIAL COMMISSION

At the regular session of the Legislature of 1919, an Act was passed creating the Alabama Memorial Commission and appropriating \$10,000.00 for putting on a campaign to raise subscriptions and contributions for the purchase of a site and erection of a building as a memorial to Alabama and Alabamians in the World War.

Pursuant to the Act, the Commission, consisting of several State officials and twelve private citizens appointed by the Governor who is ex-officio chairman of the commission, held its first meeting February 18, 1919, and determined that the form of the memorial should be a building in which should be kept the records and relics of Alabama's part in the great struggle for the preservation of civilization as well as all other wars in which the State had participated, including Confederate records, etc. A campaign was launched which culminated in a State-wide effort for subscriptions ending July 4th of that year. Owing to the fact that private resources had been so heavily drawn upon by the exi-

LXXXII

gencies of the war and the conditions immediately following the armistice, the campaign was deeply disappointing. The commission had set a half million dollars as a minimum cost for a building worthy of the great events which it was to commemorate. The Legislature had authorized an appropriation of \$50,000.00 towards the memorial contingent on the public subscribing \$200,000.00. Voluntary contributions paid into the treasury up to October 1, 1922 aggregated \$50,789.49. The State Examiner of Accounts has found above \$10,000.00 unremitted in the hands of solicitors and depositories which will at the next meeting of the commission be drawn into the treasury. There has been expended for the purchase of a site on which the building will be located, \$35,432.24. There remains on hand unexpended from contributions in the treasury \$15,357.25. The site purchased by the commission consists at the present time of 300x150 feet on Washington street facing the south end of the capitol. The committee on site of the commission is negotiating for additional land which will enlarge this area with the expectation that the entire block will ultimately be purchased for the site of an adequate building. Recognition of the great service rendered by the people of the State in the defense of civilization, and as a just tribute to the 2,000 sons of our State who made the supreme sacrifice, should no longer be delayed. The slow pace struck by the people of Alabama in responding to the call made upon their sense of gratitude is in sharp contrast to the ready, quick and cheerful response of our soldier boys to the call to the colors when the interests of the people were threatened by a foreign foe.

Alabama is one of the few remaining states in the Union that have failed to erect an adequate memorial to the World War heroes. Funds for the prompt completion of the plans recommended by the Memorial Commission should be provided by the Legislature. This tribute should come from the whole people through its taxpayers rather than from a few generous patriots who have made great personal sacrifice to raise the funds with which the site has been provided. The opinion is unanimous from all taxpayers who have expressed themselves on the subject that the State treasury is the proper source from which all further funds looking to the completion of this memorial should be drawn. I, therefore, recommend that this patriotic debt be provided for by an adequate appropriation.

CONFEDERATE PENSIONERS

From October 1st, 1915 to January 1st, 1920, the pensioners by law were divided into three classes. The first class included all pensioners, men and women, over eighty years old or totally blind. The second class included all pensioners, men and women, over the age of seventy and under eighty. The third class in-

LXXXIII

cluded all pensioners, men and women, under seventy years of age.

The pension fund was divided as follows:

- 1st class to receive \$25.00 per quarter,
- 2nd class to receive 20.00 per quarter,
- 3rd class to receive 16.00 per quarter.

At the July quarter of each year, it was found that the appropriation made was not sufficient to pay the full quarter, consequently the amount actually received by each class per year was as follows:

For year ending September 30, 1915, 1st class received.....	\$91.25
For year ending September 30, 1915, 2nd class received.....	73.00
For year ending September 30, 1915, 3rd class received.....	58.40
For year ending September 30, 1916, 1st class received.....	90.00
For year ending September 30, 1916, 2nd class received.....	72.00
For year ending September 30, 1916, 3rd class received.....	57.60
For year ending September 30, 1917, 1st class received.....	87.50
For year ending September 30, 1917, 2nd class received.....	70.00
For year ending September 30, 1917, 3rd class received.....	56.00
For year ending September 30, 1918, 1st class received.....	87.50
For year ending September 30, 1918, 2nd class received.....	70.00
For year ending September 30, 1918, 3rd class received.....	56.00
For year ending September 30, 1919, 1st class received.....	87.50
For year ending September 30, 1919, 2nd class received.....	70.00
For year ending September 30, 1919, 3rd class received.....	56.00

At the adjourned term of the Legislature of 1919, by an Act approved September 23, 1919, and effective January 1, 1920, all male pensioners were placed in a new class denominated Class A, and were to receive \$37.50 per quarter. For the fiscal year, therefore, ending September 30, 1920, the male pensioners received three quarters at \$37.50 or \$112.50 plus the amount they received in the class in which they were on October 1st, 1919. The widows on the pension roll were by the same Act to be paid what each had received for the year ending September 30, 1919, which was as follows:

1st class received.....	\$87.50
2nd class received.....	70.00
3rd class received.....	56.00

per year, paid as in the previous year.

Under an Act of the Legislature, Special Session 1920, approved October 5, 1920, effective January 1, 1921, the pension roll was ordered revised and all women over eighty years of age or totally blind were placed in first class and were to receive \$25.00 per quarter in full for each quarter or \$100.00 per year.

Second class, all widows over seventy and under eighty years of age were to receive \$20.00 per quarter in full for each quarter or \$80.00 per year.

LXXXIV

Third class included all widows under seventy years of age and were to receive \$16.00 per quarter in full for each quarter or \$64.00 per year.

For the two years, therefore, between September 30, 1920, and September 30, 1922, the pensioners were paid as follows:

Class A men	\$150.00 per year
1st class widows under eighty and totally blind	100.00 per year
2nd class widows of age of 70 to 80 years	80.00 per year
3rd class widows under seventy years	64.00 per year

As widows become eighty years and seventy years of age respectively they are advanced to first or second class as the case may be.

The following is the distribution of pension warrants for October, 1918:

2,277 men and women in first class at \$25.00	\$ 56,925.00
5,574 men and women in second class at \$20.00	111,480.00
6,296 men and women in third class at \$16.00	100,736.00
<hr/> 14,147 men and women for this distribution received.....	<hr/> \$269,141.00

The following is the distribution of pension warrants for October, 1922:

4,200 all men in Class A receiving \$37.50	\$157,500.00
1,469 all women, 1st class at \$25.00	36,725.00
3,276 all women, 2nd class at \$20.00	65,520.00
2,249 all women, 3rd class at \$16.00	35,984.00
<hr/> 11,194 men and women for this distribution received.....	<hr/> \$295,729.00

It will be observed that the average quarterly payment has increased from \$19.02 in October, 1918, to \$26.40 in October, 1922, which is more than 38 per cent.

OLD SOLDIERS' HOME

The home for Confederate veterans has been the object of special care during this administration. The buildings have been thoroughly renovated, painted and made very comfortable. The roofs have been repaired, but they will need recovering within the next two years.

The Legislature of 1919 increased the maintenance allowance from \$150.00 per annum per inmate to \$210.00 and the special home allowance from \$1.00 per month to \$4.00 per month.

At the special session of 1920 the maintenance allowance was increased to \$300.00 per annum for each inmate and the special home allowance to \$5.00 per month.

It will be seen that the appropriations were doubled during the four year period. The allowance is ample for the proper maintenance of the old soldiers but it is not a dollar too much.

LXXXV

For full details see report of Board of Control and Economy.

CHILD WELFARE DEPARTMENT

Your predecessors responded promptly to the call made upon them for protection to the children of the State, who through poverty, neglect and unfortunate environment are deprived of opportunities for education and proper development. By act of the Legislature, approved September 25, 1919, the Alabama Child Welfare Department was created, with an annual appropriation of \$12,400.00 for its maintenance. At the special session of 1920 the appropriation was increased to \$30,000.00 per annum.

The department under the very able direction of Mrs. L. B. Bush has achieved wonderful results with the meagre funds at its disposal. The appropriation is utterly inadequate for the prosecution of the work that lies immediately ahead. I recommend that the appropriation be increased to not less than \$100,000.00 per annum.

This is a work of such vast importance and far-reaching consequences to the neglected, helpless and friendless children of Alabama that I am quoting the full report of the organization and operations of the department for the period from December 5, 1919, to September 30, 1922, earnestly commending it to the careful consideration of your honorable body and heartily endorsing the recommendations embraced therein:

"What the responsibility of the State, as a commonwealth, is toward disadvantaged children within its confines—potential citizens deprived of opportunities for education and development by reason of poverty, neglect, insufficient guardianship, and improper surroundings—has not received the amount of consideration by the citizenship of Alabama which it deserves. Nevertheless, the Legislature of the State has, from time to time, indicated a profound interest in the subject and a sincere willingness to meet the needs when those needs have been made known to it. Many valuable laws designed to prevent the exploitation of children and to preserve to them their natural rights are on our statute books. Also, the Legislature has provided institutional care for a certain percentage of the State's delinquent children and its mentally and physically defective, but the State per se, until four years ago, made little contribution toward a plan for prevention of dependency, neglect and delinquency or toward a plan of reconstruction of weak or broken family units.

The State Child Welfare Department, established by the Legislature of 1919, is fundamentally an agency founded on the principles of prevention and reconstruction. The department is closely related to that of health and education, yet distinctive and differentiated in that it is primarily a social agency with social functions. The Act establishing the department provides a State Child Welfare Commission to direct its activities. The commission is composed of the Governor of the State, the State Superintendent of Education, the Chairman of the State Board of Health, and six members with varying terms appointed by the Governor.

The present membership is as follows: Hon. Thos. E. Kilby, Chairman; Dr. John W. Abercrombie, State Superintendent of Education; Dr. S. W.

LXXXVI

Welch, Chairman State Board of Health; Mr. Lee Bidgood, Miss Elizabeth Fonde, Mrs. W. L. Murdoch, Hon. S. D. Murphy, Hon. W. T. Murphree, Mr. Lawrence H. Lee.

The Act was approved September 25, 1919; the commission held its first meeting in the office of the Governor December 5, 1919. A director was elected. The Act establishing the department was read at length and rules for the government of the commission and the department were adopted. An executive committee of three members, of which the Governor is ex-officio chairman, was appointed to have necessary general control of all work during the period between the meetings of the commission,—as for instance, the approval of staff members nominated by the director and the fixing of their salaries and other expenditures.

The duties of the State Child Welfare Department briefly are as follows:

- To devise plans for and have general supervision over all social work in the State for children;

- To advise with the judges and probation officers of the juvenile courts of the State and to encourage and perfect the work of such courts;

- To issue permits, or certificates of approval, to orphanages, maternity hospitals, lying-in homes, child-placing and home-finding agencies, and all other institutions receiving and caring for children, and to revoke such permits for cause;

- To inspect and prescribe standards for all child-caring institutions and agencies, both public and private;

- To require reports of all institutions and agencies and juvenile courts;

- To enforce the State child labor law;

- To make surveys and to hold conferences and conventions for the purpose of promoting an interest in welfare work for children;

- To solicit and receive donations of money and other things of value to be used in the support of the work of dependent, neglected and delinquent children;

- To place children in family homes or in institutions caring for children and to supervise such children however placed.

Adoption of Policies.

Careful study of the Act creating the department revealed the fact that a wide variety of duties relating to children would have to be undertaken. Substance of laws, methods of procedure, and policies of administration had to be worked out. Although many changes in program have been made from time to time, the same general policies adopted in the early weeks of its organization have been closely followed.

Plan of Work of Department and Staff.

At the beginning, the staff was limited to the director and a secretary, one field agent and one child labor inspector. A second child labor inspector was added early in 1920 and an institution inspector was taken on later in the year. Early in 1921, after the increased appropriation was received, there followed a general reorganization of the staff.

In discharging the duties prescribed by law, the members of the Child Welfare Department found themselves helpless in the matter of providing means for the care of children left destitute and homeless by reason of poverty, neglect, dependency and other causes, because there were no funds for child care. The provision of the Act relating to child care simply could not be undertaken. The Alabama Children's Aid Society, a State-wide home-finding society, raising its funds by private subscriptions, was found to be doing excellent work and among its directors were some of the members of the commission. It was agreed, therefore, by the commission that the field agent of the Child Welfare Department should be detailed to serve as financial secretary for the Children's Aid Society, raising funds for child care. The department thereupon assumed the responsibility of education and or-

LXXXVII

ganization, of promoting better standards in all agencies and institutions engaged in child care, of gathering statistics relating to needy, disadvantaged children, of advising with judges of juvenile courts, and of enforcing the State child labor law, but not undertaking children's aid work nor engaging in home-finding and child-placing. In turn, for the assistance received in the person of financial agent to raise funds from the public, the Children's Aid Society agreed to take over for the department all destitute cases, particularly placeable, homeless children, where the department should fail to find or develop local or State agencies to give the individual type of care needed.

This co-operative plan of work between the two agencies continued for almost three years. In the meantime, more and more financial assistance on the part of the department was extended the society because of the extreme and urgent needs throughout the State. In the spring of 1922, the directors of the Children's Aid Society proposed to the Alabama Child Welfare Commission that the department take over the work of the society, declaring they believed the system of child care built up by the two agencies working together had come to be recognized by the people as a sound and fundamental part of the State's conservation program. The directors said further:

"Our sole purpose in striving for the taking over of the State-wide work of the society by the State of Alabama, officially, is that the work which we have started and built up privately may be enlarged and made more efficient and permanent by its acceptance at the hands of the State as a fundamental function of the commonwealth."

On October 1, 1922, the headquarters of the Children's Aid Society was moved to Montgomery, sharing offices with the State Child Welfare Department. By agreement between its directors and the State Child Welfare Commission, all activities heretofore carried on by the agents of the society are now carried on by the field workers of the department. The funds raised from the public are expended in the finding of normal homes for orphaned and needy children in Alabama, and in extending individual care in many cases,—as for instance, prisoners' destitute families, crippled children in families too poor to afford hospital treatment and in hundreds of other matters surrounding abandoned, homeless, orphaned, neglected, cruelly treated and needy children in Alabama.

The present personnel of the department consists of: The director, one supervisor of children's cases brought into the courts and general supervisor of child-placing by the department, three case workers, one institution inspector, one extension secretary and an assistant, two child labor inspectors, four office assistants.

Administration.

For the purpose of administration and organization the work of the department is divided into four bureaus, namely, the Child Labor Division, the Institution Division, the Juvenile Court Division, the Children's Aid Division. In addition to these general lines of work, the department issues bulletins and promotes interest in child welfare work by means of public addresses before clubs, associations, schools and other public organizations.

Child Labor Division.

The work of the Child Labor Division consists of the enforcement of the State child labor law and, until the Federal child labor tax law was declared unconstitutional, its provisions were also enforced by this department. The duties involved are:

(1) To make inspections of all establishments in the State where children under 16 years of age are employed or are likely to be employed in order to see:

That employment certificates are filed for all children between the ages of 14 and 16 (thus indicating their legal qualifications for entering industry);

LXXXVIII

That children under 16 be not permitted to work more than eight hours a day, nor more than forty-eight hours a week, nor before the hour of 7 o'clock in the morning, nor after the hour of 7 o'clock in the evening;

That children under 16 be kept out of occupations where life, limb or morals might be endangered;

That sanitary conditions of establishments where children are employed are so regulated as to safeguard the health of the children;

That the law and hours of work are posted as provided in the statutes.

(2) To supervise the issuance of employment certificates by superintendents of schools according to the procedure outlined by law and only to children who have met the age, educational and physical fitness requirements of the law.

The new law enacted in 1919 and the transfer of the administrative authority from the Prison Inspector to the Director of the Child Welfare Department, the lapse of three months from the time of this transfer to the organization of the department, the enactment of a new compulsory education act by the Legislature and the Federal-child labor law by Congress, resulted in untold confusion. There was an immediate necessity for clearing up this confusion in the minds of school people, of employers, and of parents. A publicity campaign, explaining the three measures, was undertaken and followed up by the reorganization of the entire certificating system. There was a keen realization of the fact that heretofore hundreds of children under 14 years of age had qualified as 14 and left school, receiving no further education, and that if certificates to leave school and enter industry should be issued only to children actually 14 years of age, to children who had completed the 4th grade at least as prescribed by law, and to children who were physically fit for the jobs they would undertake, as also prescribed,—that this would mark the greatest step ever taken by the State in protecting children and preventing their exploitation. With this end in view, the entire certificating system has been completely reorganized. It has involved not only close co-operation and supervision of the work of the issuing officers (the superintendents of schools), but further investigatory visits to homes of children in order to determine that the evidence of age submitted is in accordance with law. Documentary evidence of children's ages in Alabama is not readily found and some parents are unscrupulous in making affidavits concerning the ages of their children when they desire them to leave school to go to work.

Routine inspections of all establishments in the State employing children have been faithfully carried on. Corrections have been made and in cases of flagrant violations, prosecutions have been brought.

The section of the child labor law relating to street trades prohibits girls under 18 from engaging in any work on the streets. It provides that boys ten years of age and over may distribute papers in residential sections of cities, but only boys 12 years of age and over may sell on the streets down town. In either case, a boy must have a badge furnished by this department and issued by the superintendent of schools, which badge constitutes his license and indicates that he is a regular attendant at school and that his school record is satisfactory. The law prohibits his selling before 5 o'clock in the morning or after 8 o'clock in the evening or at all during school hours. The enforcement of this clause was at first one of the most difficult tasks of the division because the public has so long maintained an illogical and sentimental idea that some great men have started life as newsboys. Little does it realize that these men merely represent a very small survival of the fittest. It has lost sight of the thousands of boys who have played truant from school or stayed on the streets late at night where they have acquired knowledge and habits which have led to their destruction. Knowing that an aggressive method of enforcing the street trades clause should never be adopted until it is backed by public sentiment, a careful study of hours, earnings,

LXXXIX

and of general effects of street trades on children engaged in selling and distributing newspapers was made in the three large cities and in some of the smaller towns. As a result of these studies, the department won a very splendid co-operation from the newspapers of the State. The members of the Child Labor Division, assisted by local attendance officers and probation officers and heartily supported by the circulation managers of the largest papers of the State, have been marvelously successful in enforcing this section of the child labor law. The department feels a very keen sense of appreciation for the manner in which the owners and publishers of newspapers throughout the State have accepted the measure as one of great worth, and for the assistance they have lent in its enforcement.

Likewise the attitude of all the textile industries, with one or two exceptions, and most other manufacturing establishments, has been one of friendly co-operation in observing the provisions of the law. The greatest trouble has been found in the establishments of small employers where children come and go willy-nilly, substituting as delivery boys or grocery clerks and in other ways for higher priced labor. These boys, while earning a small amount, contribute little or nothing to the family income, yet often fail, because of the job, to make their grades in school.

The following table shows the number of inspections made during the period covered by this report:

	1919-20	1920-21	1921-22	Total
Number of manufacturing establishments inspected	403	608	612	1,623
Number of inspections of miscellaneous establishments	933	2,162	1,847	4,942
Total number.....	1,336	2,770	2,459	6,565

The total number of violations found and corrected are as follows:

1919-20	1920-21	1921-22	Total
448	849	681	1,978

The total number of children, 14 years to 16 years, inclusive, checked for the three years in all occupations are as follows:

1919-20	1920-21	1921-22	Total
1,224	2,097	1,873	5,194

During the first two years the educational requirement of the child labor law was only 120 days' school attendance during the previous year or the completion of the 4th grade. This provision of the law is so written that on and after Sept. 1, 1921, only the completion of the 4th grade can be accepted in issuing certificates. Duplicates of all certificates issued are required to be filed in the office of the Child Welfare Department. A study of these for the period covered shows the following facts regarding grades completed by children leaving school to enter industry:

1919-20	
No grade completed	30%
1st grade completed	1%
2nd grade completed	1%
3rd grade completed	3%
4th grade completed	7%
5th grade completed	20%
6th grade completed	15%
7th grade completed	12%
8th grade completed	11%
100%	

XC

1920-21

No grade completed.....	½ %
1st grade completed.....	½ %
2nd grade completed.....	1 %
3rd grade completed.....	4 %
4th grade completed.....	12 %
5th grade completed.....	31 %
6th grade completed.....	20 %
7th grade completed.....	17 %
8th grade completed.....	14 %

100 %

1921-22

4th grade completed.....	30 %
5th grade completed.....	26 %
6th grade completed.....	18 %
7th grade completed.....	13 %
Number entered high school.....	13 %

100 %

The large percentage in the first table may or may not indicate that no grade really had been completed because if the child had attended school 120 days during the previous year, the issuing officer often failed to require further evidence of schooling. As the department encouraged the practice of requiring correct school records, the reports took on a different aspect. The reports of 1920-21 and 1921-22 cover certificates accurately issued. It is interesting to note that each year a large number of children complete the 5th, 6th and 7th grades. It would appear that Alabama might well afford to raise the educational requirement of children who leave school at 14. The number of children leaving and entering industry in 1920 is shown to be less than those leaving in 1920-21. This may be accounted for by the fact that the first year the department was in actual operation only nine months and records were necessarily incomplete. In 1921-22, however, the number of children employed is less than the number of 1920-21 by 224.

Institution Division.

The Act establishing the Department of Child Welfare provides that it shall be the duty of the department to issue permits or certificates of approval to orphanages, maternity hospitals, lying-in homes, child-placing and home-finding agencies and all other institutions receiving and caring for children and to revoke such license for cause; to inspect and prescribe standards for all child-caring institutions and agencies, both public and private; to require reports of all institutions and agencies.

An institution inspector was not employed until April 14, 1920. The fiscal year ended September 30th. The most that was done in connection with recognized institutions during this period was that of friendly visits, at which time, the law was carefully explained and the services of the division offered the institutions in the development of their programs.

There are in Alabama 12 institutions, receiving and caring for children, which are supported and controlled by churches and fraternal organizations; five detention homes for the juvenile courts of Jefferson, Montgomery and Mobile counties; 1 municipal home; 3 maternity homes which care for small children as well as for maternity patients and infants; and a number of so-called emergency homes receiving children. There was one child-placing and home-finding agency maintaining some 12 or 15 boarding homes for children, but this agency, the Alabama Children's Aid Society, is now a part of

XCI

the State Child Welfare Department and these homes are continued by the department.

The division has never undertaken any work in connection with the institutions for the deaf, dumb, and blind, but has from time to time rendered whatever service it could to the State institutions for delinquent boys and girls. In September, 1922, the institution agent was loaned to the State Training School for Girls for a month for the purpose of helping in the reorganization of this institution after it was moved into its new quarters.

One of the first matters of interest coming to the attention of the department was that of a maternity home maintained for unmarried girls which boldly advertised that adoptions could be "arranged." Investigation by the department revealed the fact that "arrangement" meant a large fee from the unfortunate mother, in some instances so large in comparison with her wage-earning ability as to hold her practically in bondage. Some of the children placed by this institution were found to be in the most undesirable surroundings.

One of the first steps taken was to prohibit child-placing by refusing to license institutions not living up to the standards. A case in point revealing the need of supervision:

This department was less than two months old when attention was called to an infant born in a maternity home and deserted. The matron of the home presented the child as a gracious gift to a woman who called and said she would like to adopt it. Investigation by us revealed the fact that the woman's husband was in prison; that the woman herself was a morphine addict; soon the child was found ill, even prostrate, from overdoses of paregoric. The court accepted our recommendation and the baby was committed to the Alabama Children's Aid Society. The society employed the best physician possible and carefully nursed the child back to health. Today she is a beloved daughter in a good Christian home, the pride of her foster father and mother.

1920-21.

The first round of inspections and visits brought to light the fact that in some instances children were being received without sufficient inquiry having been made into their past history, their family connections, etc. In some institutions, children were passing out without sufficient investigations and their whereabouts and the conditions under which they were living were often lost sight of. Records were regarded lightly sometimes, only a few institutions having careful record-keeping systems installed.

The law provides that "it is hereby made the duty of public and private reformatories, correctional and child-caring institutions, all orphanages, maternity hospitals, lying-in homes, or other institutions having or exercising jurisdiction or control of, or over, dependent, neglected, or delinquent children, to make such reports to the department, and at such time, as may be required by its rules, including the extent and source of income, cost of maintenance, number of inmates, and upon all such other objects as may be demanded. All reports provided for in this and the preceding section shall be upon blanks and forms provided by the Child Welfare Department." Rule 9 of the Rules and Regulations adopted by the Board on December 29 provides that "On or before the tenth of each month, every orphanage, or other child-caring institution, shall make a full report to the State Child Welfare Department of all admissions, discharges and deaths that occurred during the preceding month." Blank forms for the use of applicants and the reporting of admissions and discharges to the department, together with other necessary forms to be used in keeping records, were furnished in this

XCH

year to all the institutions in the State and monthly reports of admissions and discharges, together with other information, were required.

Studies of income and outgo, of all records, care of buildings, sanitation, diet, discipline, school work, clothing, medical care in practically all institutions in the State were made during this year. These studies were submitted to the boards of directors and many changes and improvements which were recommended were immediately undertaken. Stressing the need of co-operating more closely with all agencies in the community and the state, particularly the juvenile court, and especially in the matter of building broken homes and supporting weak homes, the inspector showed in her studies that 40% of the children in the institutions during this period were there because of abandonment by the father, the mother, or both.

1921-22.

The third year of the department's existence has been marked by the friendliest sort of co-operation between the institution division and the leading child-caring institutions of the State. Each institution has been visited at least twice during the year and plans for work studied. Suggestions and recommendations made by the division have been complied with and in turn the division has rendered all the assistance it could to institutions. Cases in point:

One orphanage placed a little 12-year-old girl in the home of a good man remote from the railroad, and requested our visitors to supervise the placement. This home has been visited from time to time and the foster parents assisted with their problems.

The foster parents of a little boy placed for adoption in a far distant state by an orphanage requested that the orphanage send for the child as they no longer wanted him. Investigation by child welfare workers in that state revealed the fact that the child had been placed in a most undesirable home. The department brought the child back to Alabama and returned him to the institution which had assumed his care in the first instance.

The Child Welfare Department has employed an institution inspector, a woman of very large training and experience in social and particularly institution work in many parts of the country. It is the purpose of the inspector to co-operate with the institutions of the State in a most friendly, helpful way and to spare no pains to bring about the best returns possible to the child. She is prepared by long experience in finance to go into the matter of business systems, to assist in building plans, and in working out budgets. By experience, also, she is prepared to assist in turning all resources of the institutions, such as farms, etc., to contributing means to child care. Systematic work in building up a balanced diet will be undertaken. Income and outgo of children will be carefully investigated and followed up wherever possible, and the institutions will be encouraged to place in good private homes young children without family ties.

Juvenile Court Division.

The duties of the State Child Welfare Department with reference to the juvenile courts of the State as prescribed by law are as follows:

To advise with the judges and probation officers of the juvenile courts of the several counties of the State and to encourage and perfect the work of such courts throughout the State.

To exercise general supervision over the administration and enforcement of existing laws governing apprenticeships, adoptions, and child-placing agencies.

Jefferson, Montgomery and Mobile counties have special juvenile court acts. The general juvenile court bill, enacted in 1915, applies to the remain-

XCIII

ing 64 counties and provides that the judge of probate in each county shall be ex-officio juvenile judge. It also provides for the appointment by the judge of an advisory board of not less than ten nor more than 15 members made up of interested citizens of the county. The judge and advisory board are authorized to appoint probation officers for the service of the court, and fix their salaries, in agreement with the Boards of Revenue or Courts of County Commissioners. These county finance boards are authorized to pay such salaries and such other expenses as may be incurred out of the general funds of the county. Under the terms of the act, all neglected, dependent, and delinquent children under 16 years of age, or children under 16 having insufficient guardianship, or being in immoral surroundings may be declared wards of the State by the court and placed under probation or committed to agencies and institutions prepared to receive them. A companion act known as the Desertion or Non-Support Law is administered by the juvenile courts of the three cities and by the probate courts of the other counties.

The compulsory school attendance law of the State provides:

"Section 5. The county board of education shall arrange the county exclusive of cities into one or more attendance districts, and the said board shall appoint an attendance officer for every district created, who shall reside in the district and who shall hold his office at the will of the county board of education, and the board of education of each city of two thousand (2,000) or more inhabitants, shall appoint one or more attendance officers to serve at the pleasure of the appointing board, provided that this article shall be so interpreted as to make it possible for city and county boards of education, boards of revenue and courts of county commissioners to jointly employ any person or persons to carry out the provisions of this article and such additional duties as may be assigned them by such boards or governing bodies, in connection with the juvenile court of the county or the State Child Welfare Department.

It can readily be seen that there is present in Alabama available legal ways and means for the protection of children. The organization of social work in the counties has been made a basic part of the developing of field activities of the Child Welfare Department. Few counties, however, have availed themselves of the opportunities afforded. Many have not come to realize the needs, being satisfied, apparently, with the commitment of needy children, whether abandoned and dependent, neglected, or delinquent, to the State "reformatories" or other institutions. A lack of finances to carry on the organization has been the plea of most counties.

The juvenile court is fundamental to a county organization for child welfare; probation officers are fundamental to the court. Without the court and without trained workers as probation officers little constructive work can be hoped for.

It has become very generally recognized that practically every school attendance problem involves a family problem, hence it is desirable to appoint joint-attendance-probation officers, when feasible.

Covington County.

In 1920 the agents of the department were called to Covington county to assist in working out problems surrounding 14 children who were found to be delinquent in some instances as a result of immoral surroundings and in other instances, neglected and dependent. Following our investigations, the county juvenile court was organized and a splendid probation officer employed. One year later (1921) the County Board of Education appointed the probation officer also school attendance officer, furnishing transportation (automobile) and expenses. The work of this county, we believe, compares favorably with that of any rural county in the country. For the fiscal year 1921-22 not a single child was committed to the State Training Schools. Dependency and neglect, delinquency and non-attendance at school were

XCIV

during this period taken over by the probation officer, assisted by agents of the Child Welfare Department, and Covington county preserved to itself its potential citizens in need of the county and State's care. The non-support law was invoked in 13 cases during the year.

Etowah County.

Early in 1920, Etowah county organized its juvenile court and funds for the salary of the probation officer together with expenses are shared by the County Court of Commissioners and the three municipalities of the county. Child welfare work which is a credit to the whole State is carried on year by year in this county. Before the organization of the county work and the employment of probation officers, this county had a record for an unusually large number of commitments to the State institutions. In 1921-22 the number was reduced to a total of 18.

Mobile County.

Early in 1921, two workers of the Child Welfare Department went to Mobile for the purpose of making a survey of the work of the agencies and institutions doing child welfare work. The juvenile court was found too badly housed and equipped for its work. It was not receiving the proper and necessary co-operation from city and county officers, school authorities, and public and semi-public organizations. There was a distinct lack of appreciation of the real function of a juvenile court evidenced by a majority of attorneys that appeared before the court. Likewise the judge and the judge of the circuit court seemed not to be always aware of the protective principle upon which the institution is founded. The volume of the work and the inadequacy of the staff made real probation work impossible although the investigations were well above par.

A report of the survey was made to the Juvenile Court Commission of Mobile county. It was given consideration. A new judge and new chief probation officer were elected. The City Commission assigned to the court the services of a plain clothes man of fine presence, pleasant address, and unusual tact. The court requested the department to lend an agent for one month to assist in reorganization. The request was granted. The situation is now full of promise but Mobile county must secure a revision of her juvenile court law in order to fully protect its children.

Montgomery County.

Montgomery county, assisted by members of the Child Welfare Department, secured the enactment of a special juvenile court act in 1920. The staff is entirely inadequate. Real probation work is, therefore, impossible.

Jefferson County.

Jefferson county secured the enactment of a new juvenile court bill in 1919 and maintains one of the best juvenile courts in the South. The County Board of Revenue and the City Commissioners of Birmingham make generous appropriations in support of its activities.

Other Counties.

No other counties have full-time probation officers. The counties visited have so far declared themselves unable to appropriate funds necessary to the employment of probation officers and other necessary expenses of the court.

The department has lent itself to the service of the courts in all matters relating to children. A case in point: The judge of a county wrote for blank forms (and directions) for committing a lad to the State Training School for Boys. His request was answered in person. Investigation showed that the child was not delinquent—only neglected and therefore in need of a different type of care.

At best, the State Training Schools can scarcely receive the number of boys and girls actually in need of the care and training which these schools

XCV

are prepared to give. The department discourages the commitment of other than delinquents to these institutions.

In 1919-20 workers of the department visited 26 counties in the interest of children; in 1920-21, 24 counties; in 1921-22, 38. In some of the counties where we have not been able to go there has been correspondence concerning children's cases and fine co-operation from the judges.

In 1921-22 blank forms for reporting by judges to the department children's cases and cases of desertion and non-support were furnished the judges. No effort was spared to secure complete reports, but only 27 judges reported regularly, as prescribed by law; 20 reported in part; 10 not at all.

The following table shows numbers and classifications reported:

1921-22

Dependent and neglected.....	854
Delinquent	2,160
Unclassified	18
Adoptions	193
Apprenticeships	4
Adults contributing to dependency, neglect, and delinquency.....	152
Non-support	702

(One county reports 11 apprenticeships in three years.)

The department feels keenly the need of amendments to the juvenile court law of the State (suggestions attached hereto). Possibly the most outstanding need is the repeal of the provision regarding advisory boards and the enactment of a clause providing child welfare boards in each county with authority to promote and develop the court and other agencies for child welfare.

Children's Aid Division.

The work of this division is in reality an extension of the juvenile court division. As has been shown, the Child Welfare Department sponsored the work of the Alabama Children's Aid Society (the only home-finding agency in the State) three years, and finally took over its entire activities. It may clearly be seen that response to a county's call for assistance in a child's problem necessitates interviews with the juvenile judge and commitments by him of those children accepted by the society. (Unlike juvenile court laws in some other states, Alabama's law provides that dependent and neglected children as well as delinquents may be declared wards of the State.)

During a period of 18 months including the year 1920, the Children's Aid Society received (and assisted) 848 children from 46 counties, placing 101 in foster homes. In 1921 the society received 944 children from 51 counties, placing 177 in foster homes. In 1922 (to October 1) the society had placed 150 children.

The Children's Aid Society has spent on an average \$65 per child per year (exclusive of salaries of workers). In the language of the former superintendent.

"The broad social and moral values behind this service to the State we cannot compute. Some conception of the broad sweep of these activities can be had, however, by viewing its negative aspect. Over 2,000 children have been kept out of the institutions of the State. This represents a saving of approximately a half million dollars in actual monies. On the other hand, these 2,000 children have been directed through the normal channels of family life to the threshold of useful and successful citizenship."

In addition to the children served by the Children's Aid Society during the last fiscal year, the department has been called to the relief of 43 children in almshouses, of 143 children of 37 State convicts, of 389 children of miscellaneous classifications, and of 42 maternity cases. The condition of

64 other adults was investigated and in most cases, as children were involved, plans for relief were worked out or discovered.

The ultimate aim and purpose of the Child Caring Division and of the whole department is not that its services be merely remedial or palliative, but rather that of mending weak or broken homes and finally raising the standard of family life.

RECOMMENDATIONS FOR LEGISLATURE

The law establishing the Child Welfare Department has received condemnation from social workers, educators, and other prominent men and women in quite a number of the states of the Union. We are proud of the legislation of 1919, however, three years of experience of administering this law have made evident the necessity for certain amendments in order to achieve the purpose contemplated in the original Act.

It is commonly agreed by those who have given attention to the situation in Alabama that the State-controlled institutions for dependent and delinquent children should be under the supervision of the State Child Welfare Department upon the same terms as the private institutions in the State. We likewise feel that the State institutions for blind and deaf children (and for crippled, epileptic, and mentally inferior children, when such institutions shall have been established) should be under the supervision of this department, as in South Carolina, with the understanding that the educational work of these institutions be under the direction of the State Department of Education.

It is the custom of the department to issue permits to institutions for a period of one year only. It would probably be advisable to have the law state that a permit is to be issued for a period of not more than one year.

Protection could be afforded a larger number of children if the law would clearly define the terms "maternity hospital," "lying-in homes," and "boarding home for children," and would define the functions of such institutions and the conditions to be met before a permit could be granted to them.

The law should be so amended as to confer upon the Child Welfare Department in specific terms, the authority to accept legal guardianship of children.

The department should also be authorized to develop a bureau of probation and parole which would have supervision of all probation and parole officers in the State and which would assist in the development of juvenile courts. The chief of this bureau should be constituted chief probation officer for the State and he and his assistants should be given all the powers of a probation officer in any county in the State.

The department should be authorized to develop a bureau of child study and to establish and co-operate with clinics for the psychological study of dependent, neglected and delinquent children.

At present anybody, fit or unfit, can adopt a child by going before the probate judge and going through certain formal procedure. The law should be so amended as to prevent any probate judge from issuing a decree of adoption of any child until the Child Welfare Department, through its regularly constituted machinery, shall have signified its approval of the home applying for the child, also, its approval of the child as being a proper subject for adoption into a family home. The department should be required to make investigations in such matters, either through one of its own employees or through some other agency or worker who has a permit or certificate from the department, within thirty days after receiving the request from the probate judge.

Confusion, duplication and misunderstanding could be avoided by conferring upon the Child Welfare Department authority to pass upon appli-

XCVII

cations for charters of all institutions subject to permits at the time such applications are filed with the Secretary of State.

In order to maintain the unity and efficiency of child welfare administration, juvenile courts should be forbidden to commit any child to any private institution which does not hold a permit from the Child Welfare Department.

Because the law does not make it a misdemeanor for persons or institutions not holding permits for homes for children nor put any limitation upon the bringing of children into the State for purposes of adoption or permanent custody, numbers of children from other states have been taken into Alabama homes where they are not subject to any supervision by the Child Welfare Department and where they are not under the jurisdiction of any court. It is easier to disapprove a home as a place for a child than it is to establish in court the unfitness of that home. The consequence is that some children have in this manner been placed into some homes that are decidedly unfit. The law should be amended in this respect.

Because no act prevents it, any person or organization can, without holding a permit from the department or even without operating an institution, solicit funds for the maintenance of the real or fictitious work of such person or organization. This should be prohibited by providing that no person or organization not holding a permit from the department can solicit money for child care.

In line with this last suggestion, the department should have the duty of certificating all probation officers of the juvenile courts of the State and no court should be allowed to employ a probation officer who is not certificated,—provided that the department may issue temporary certificates for definitely stated periods, and provided, further, that this provision shall not apply to probation officers who are actually employed at the time of the passage of this enactment.

The department should be charged with the authority and duty of supplying courts with lists of approved applicants for the position of probation officer and of supplying the State institutions for delinquents with lists of approved applicants for the position of parole officer. It should also be the duty of the department to furnish to the courts uniform, model blank records for the use of probation officers both in court procedure and for making monthly reports to the department.

The department should be required to file with the Governor and the Secretary of State, each, a formal report covering the quadrennium closing with the fiscal year next preceding the regular session of the Legislature.

A larger appropriation for the department should be made.

The juvenile court laws applying to 66 of the counties of the State are laws that are enforceable and that go far toward the protection of children. The local law applying to Mobile county is very weak in many respects. This law and those applying to Jefferson and Montgomery counties should be repealed by a general law applying alike to every county in the State, except that provision should be made, on the basis of population, for more intensive and extensive organization in the larger counties.

In this general juvenile court bill we would like to see it provided:

That the juvenile court be given jurisdiction in matters of children who are employed in violation of the child labor law or not in attendance at school as required by the compulsory education law.

That the number of probation officers for any juvenile court be determined by the judge of the court and his advisory board (or the county child welfare board, if established).

That the law instead of providing a rigid salary for probation officers in any court allow some range of discretion to the judge and the advisory board (or the county child welfare board, if established).

XCVIII

That the right of transfer from the juvenile to criminal courts be restricted to children charged with crimes which, in cases of adults, will be punishable by death or life imprisonment.

That jurisdiction of children may be transferred from one juvenile court to another within the State. (If possible, it would be advantageous to arrange a similar transfer with courts in other states.)

The temporary detention in private homes, when approved by the judge of the juvenile court, shall be a valid charge against the county.

That jurisdiction of any child shall pass from the court to the State institutions for delinquents upon commitment and delivery of such child.

That State institutions for delinquents shall not release any juvenile ward without first securing the approval of the court which made the commitment, provided that this restriction shall in no wise limit the authority of the Governor.

That probation officers shall be reimbursed for reasonable actual expenses incurred in making services and investigations and in transporting and caring for court wards when such accounts are approved by the judge of the court.

That the expenses incurred by the juvenile court or its officers in the discharge of duty shall be made preferred claims against the county.

That when the judge shall certify the necessity the county board of revenue or the court of county commissioners shall provide typewriters and office supplies as well as equipment.

That dockets for juvenile cases shall be kept separate from dockets for cases of non-support and desertion and cases of contributing to the delinquency, neglect, and dependency of a child. (This prevents the recording of the name of the juvenile in the same book with an adult criminal.)

That referees may be appointed by the court—women to hear girls' cases—at the discretion of the court.

That no girl's case may be heard in court unless a woman of good character be present in the capacity of friend to the girl.

That girls shall be accompanied by a woman when being transported by order of the court except that male officers, who are certified by the Child Welfare Department, may transport such girls.

That no person in this State other than parents or near relatives may assume the permanent custody, care or control of a child under sixteen years of age, unless authorized to do so by an order or decree of a juvenile court of chancery jurisdiction in this State.

That some form of examination and certification be devised for probation officers and candidates for probation officerships.

That the clerk of the juvenile court be authorized to sign all court papers except those partaking of the nature of judicial action.

That the judge be authorized to appoint any probation officer clerk and any other probation officers deputy clerks of the court.

That wherever possible such children as are committed by the court to family homes shall be placed with families of the same race and faith.

That only the court may commit a child to an institution at the public charge.

That in the catalogue of acts constituting a child a delinquent, there be included "incurability" and violation of Federal laws.

That no one shall have access to the juvenile court records of any child except by permission of the judge.

That when ordered by the court expenses incurred in medical and mental examination and treatment shall be a valid charge against the county.

That volunteer probation officers shall work under the direction of the chief probation officer of the court."

XCIX

INSANE HOSPITALS

The State of Alabama, actuated by a spirit of Christian philanthropy, erected and acquired many years ago and is now maintaining two hospitals for the insane—one for white and one for colored patients. These institutions are accomplishing great results but one of them is full beyond its capacity. Patients can not be received except as vacancies occur by the removal of those now there. Since applications far exceed the vacancies it follows that there is a constantly increasing number of insane persons scattered over the State who can not be cared for with present facilities. While some relief will soon come from the use of buildings now under construction, which were authorized by the Legislature, it will be but temporary.

I feel it is incumbent upon me to urge upon you to do everything necessary to ameliorate the pitiable condition of these unfortunates and especially everything that can possibly be done for their recovery.

In my judgment, an appropriation of \$500,000 for building and repairs, available during the ensuing four years, will be required to meet the needs of the institution and I recommend accordingly. I refer to the report of the Board of Control and Economy for a statement of the building and repairs during the present quadrennium.

An Act of the Legislature approved February 12, 1919, increased the appropriation for maintenance of the inmates of the insane hospitals from \$3.50 to \$5.00 per inmate per week, with the following provision: "Provided, however, that if at any time it shall appear in the opinion of the Board of Control and Economy that the needs of indigent and criminal inmates will be thereby met and adequately provided for, the Governor shall be and is hereby authorized to reduce said weekly payment and fix the same at not less than \$3.50."

On July 11, 1922, the Board made such representation to me and I accordingly reduced and fixed the allowance at \$3.50 per week. That amount appears to be adequate at this time, but if future conditions should warrant an increase the Governor has authority to grant it.

INSTITUTION FOR FEEBLE-MINDED

The Legislature of 1919, responding to my earnest appeal to the conscience of its members, recognized the sacred duty of the State toward the feeble-minded members of her citizenship and made a start toward the relief of those unfortunates. An appropriation of \$200,000 for the building of a home for mental inferiors was granted. That amount has been used for the purchase of a magnificent site, comprised of 118 acres adjoining the prop-

erty of the Bryce Hospital, and the building of a dormitory, dining room, kitchen and power house. No provision, however, was made for the maintenance of the institution. I recommend that an appropriation of \$5.00 per capita for the inmates be voted, with the proviso that in the event it be found from experience that a smaller sum is adequate for the said purpose the Governor be authorized to reduce and fix the amount according to his judgment. I further recommend that an appropriation of \$200,000 be provided for the building of additional dormitories.

The State owes a sacred duty to the inmates of this institution. That duty should be discharged according to the standards of the most enlightened civilization and no monetary consideration should be allowed to block the way.

STATE TRAINING SCHOOL FOR GIRLS

On my first trip of inspection to the eleemosynary institutions I discovered that the conditions at this school located at Matsuyama, fourteen miles from Birmingham, were far from satisfactory and that its functions were seriously handicapped by its location and the character of buildings, which were wholly unsuited to the use of such an institution.

By an Act approved September 30, 1919, the sum of \$50,000 was appropriated for the purpose of erecting new buildings. This amount was not expended because it was deemed unwise to place additional buildings on the unsuitable property. On October 5, 1920, authority was given for the re-location of the school. On October 14, 1921, the main building at Matsuyama was burned. The State collected \$25,000 insurance. By an Act approved October 27, 1921, the Legislature authorized an additional appropriation of \$75,000 for building purposes. This sum brought the building fund, including insurance money, up to \$150,000. On July 30, 1921, the Board of Control and Economy purchased a tract of land consisting of 22 acres situated a mile southeast of the fair grounds in Jefferson county, and at once set about constructing a new plant for the school. Four cottages to accommodate about thirty girls each, a school building, a hospital, laundry, power house and dairy barn have been built at a cost of \$140,000, including the purchase price of the land. Each cottage has its own kitchen and dining room with such equipment to make it a complete unit of the institution.

The hospital is designed to accommodate twelve patients. It has an operating room, a treatment room and a dental room, all fully equipped; also an apartment for the nurses. The physical condition of the girls when they come to the school suggested the absolute necessity for the services of a physician and a nurse.

CI

Accordingly, a trained nurse has been placed in charge and the services of a physician have been engaged.

The school house is designed to accommodate a population of 300 girls and is equipped with all necessary modern conveniences. The cottages are all full to their capacity. More are needed. I recommend that an appropriation of \$40,000 be made for the immediate construction of two additional cottages and that a further appropriation of \$40,000 be made for two others, to be available one year later.

The buildings erected have been placed with a view of eventually adding eight more cottages without disturbing the harmony of the present buildings as to distance or relation one to the other. A complete sewerage system has been built. We have city water, electric lights and telephone service.

The girls were removed from Matsuyama about the middle of August, 1922. The morale of the school has greatly improved since moving into the new buildings and I confidently expect greater and greater benefits to accrue.

By Act approved September 30, 1919, the appropriation for maintenance was increased from \$150 per annum to \$300.00 per annum per capita, which is adequate but not a penny too much.

ALABAMA BOYS INDUSTRIAL SCHOOL, EAST LAKE

The Legislature of 1915 responded promptly and liberally to my appeal for support of this institution, both for building operations and for maintenance purposes. Appropriations for buildings and equipment totaled \$125,000, and the per capita allowance for maintenance was increased from \$150.00 to \$240.00 per year, and an appropriation of \$26,000 was made to pay accumulated debts.

The following excerpt from the report of the Board of Control and Economy will show the extent of improvements made in the physical plant and in the administration of the affairs of the school. A great work is being done at the Boys Industrial School. The vision and hopes of the good women who established the institution are being realized, but there is much to be done before the school is developed to the point where it can accomplish its full mission. Another dormitory similar to the one recently constructed should be built at once. A vocational building and a hospital building and equipment should follow. The dairy barn of which the first unit is now nearing completion should be finished and the acreage for farming purposes should be materially increased. For these purposes I recommend an appropriation of \$200,000. Monetary considerations should not count against the saving of hundreds and in time thousands of boys from lives of shame and crime and making of them useful citizens of the State.

CII

I hope, gentlemen, you will put this matter close to your hearts and vote for the boys. The excerpt follows:

"At this institution the Board found the buildings in which the boys were housed inadequate, badly in need of repairs and in an unsanitary condition. It was evident that the farm and garden should have the attention of an expert and that the quality of the live stock should be improved. The institution was running with a deficit and it was impossible to make the necessary repairs without legislative assistance, which was secured in an Act of the Legislature approved September 30, 1919, increasing per capita amount of maintenance from \$150 to \$200 per annum; and an additional relief was granted by the Special Session of the Legislature of 1920 by an Act increasing maintenance allowance to \$240 per capita per annum, and providing an appropriation for paying accumulated deficit.

Section 2 of an Act of the Legislature approved September 30, 1919, appropriated for the fiscal year beginning October 1, 1920, the sum of \$50,000 for the purchase of land and the erection and equipment of buildings, and a like sum was appropriated for the fiscal year beginning October 1, 1921.

Miss Ann R. Davis, of Prison Inspection Department, was sent to the school to take charge of the kitchen and dining room, to suggest such changes as were found necessary to properly feed and clothe the boys of the school, and to improve general sanitary and dietary conditions there, with the result that the dining room was moved from the basement to the first floor of the Alabama building, which was thoroughly renovated; a modern bakery and new kitchen equipment was installed to meet the needs of the institution. The dining room was overhauled and made attractive, was equipped with new dishes, knives, forks and other utensils necessary for the comfortable and orderly serving of meals to the boys. The dormitories were renovated throughout, repainted and fire escapes installed at each of the three dormitories, and the premises cleaned up and put in good condition. The dairy herd has been improved until we now have one of the best herds for its size in the State. At the State Fair in Birmingham this year we won prizes on our milch cows and for the best calf. The boys are being fed from the products of the dairy, daily. Our live stock has been improved by the purchase of pure bred boars and brood sows. The farm and garden have been improved to where they are now getting a splendid production, resulting in not only feeding the boys better, but in great savings by producing vegetables and farm and garden produce for the consumption of the boys that had heretofore been purchased, if used.

These improvements are both economical to the State and educational to the boys. These departments have had the careful attention of the Board of Control and Economy, and we are now getting the hearty co-operation of the board of managers and the officials in charge of the school.

HOSPITAL

The school did not employ a trained nurse nor did it have hospital equipment. However, under provision of an Act approved September 28, 1920, \$5,000 was appropriated annually for employing a physician and assistants and nurses to provide necessary medical and surgical supplies and appliances for the inmates of the Alabama Boys Industrial School, State Training School for Girls and the Alabama Vocational School for Girls, beginning October 1, 1920. Accordingly we employed a trained nurse. This department has made the greatest progress of any department in the school. The reports of this department show the following results of their activities since its establishment in October, 1920:

CIII

From October 1st, 1920 to September 30th, 1922

Total number of boys admitted to hospital.....	1,344
Total number of days spent in hospital.....	6,892
Number of surgical cases admitted.....	560
Number of medical cases admitted.....	784
Number of pneumonia cases.....	18
Number of influenza cases.....	95
Number of cases of measles.....	44
Number of cerebro spinal meningitis.....	1
Number of erysipelas cases.....	1
Number of surgical operations performed at this hospital.....	327
Number of surgical operations performed for boys at other hospitals.....	5
Tonsils and adenoid operations.....	192
Circumcisions.....	90
Appendectomies.....	2
Orthopedic operations.....	2
Number of eye examinations (refractions).....	54
Number of boys furnished eyeglasses.....	45
Number of boys given typhoid prophylaxis.....	522
Number of boys vaccinated against smallpox.....	643
Number of fractures reduced.....	10
Number of boys given tetanus antitoxin.....	19
Number of boys examined for hookworm.....	256
Total number of boys attended by visiting dental surgeons, not including examinations.....	495
Number of extraction cases.....	258
Number teeth extracted.....	472
Number of boys had teeth filled.....	209
Number of cavities filled.....	904
Number of dental X-Ray examinations.....	30
Number of boys given dental prophylaxis (scaling and cleaning teeth).....	245
Total number of deaths.....	2
1 death in 1921 due to tuberculosis.....	
1 death in 1922 due to osteomyelitis, of tubercular origin.....	

Many of the most prominent physicians and specialists operated on the boys for their various ailments without cost to the State. Their co-operation is indeed commendable and the beneficial results to the boys can hardly be expressed in dollars and cents. However, it is estimated that the State would have had to pay out \$25,000.00 in fees to doctors, surgeons and dentists during this time, had it been required to pay for the work done at the hospital and the services so kindly rendered by the physicians and specialists.

The general health of the boys at the school has improved very greatly as a result of this treatment, the morale is better and their school work is better than before the establishment of this department.

HEATING PLANT

The heating plant at the Alabama Boys Industrial School had become almost useless because of its run-down condition. It was repaired and put in first class condition at a cost of \$5,214.58.

NEW BUILDINGS

We have constructed a two-story practically fire-proof dormitory to accommodate one hundred boys at a cost of \$42,057.88; a gymnasium of fire-proof construction to cost \$19,066.87, and a concrete swimming pool 40 feet by 85 feet at a cost of \$2,936.93. The equipment for dormitory and gymna-

CIV

sium has been made largely by the boys in their machine shop and wood-working shop. Plans have been drawn for a dairy barn at the school and construction work is well under way. This will require the balance of appropriation of \$100,000 above referred to.

TOOLS AND EQUIPMENT

Under provision of an Act approved September 28, 1920, and to be found on page 8 of the General Acts of the Special Session of 1920, an appropriation of \$25,000 was made for the purpose of furnishing tools and equipment. From this appropriation tools and equipment for the laundry, printing shop, shoe shop, machine shop, wood-working shop, and tailor shop were purchased and have been installed. These shops are all doing splendid work.

In the printing shop we purchased a linotype machine from Mergenthaler & Company, a linotype company of New York, for \$4,158.94, and they loaned us for an indefinite period another smaller machine. This department is doing excellent work. They print an institutional bulletin or magazine weekly, and have done some work for charitable organizations. The boys take great interest in the work and improve rapidly in efficiency. We will doubtless turn out some good linotype men who will command good wages in the commercial world.

The wood-working shop has shown especially good results. They have made 125 dressers and chairs for use by the State Training School for Girls, and practically all of the furniture for the new dormitory at the boys' school except the beds.

The machine shop interests the boys very greatly. They have repaired pumps for use on the premises, rebuilt an old Ford car and a truck that had become useless has been successfully repaired by them in this department.

In the shoe shop they are doing all of the repair work for the entire school, and are now making shoes so that before a great while they will make all of their own shoes and shoes for other institutions in the State.

In the tailor shop they do all of their mending, and make many garments.

In the laundry they are doing excellent work, laundering all of their own clothing, also the kitchen, dining room and bed linens.

The boys in these shops are learning useful vocations and their labor will be in great demand by the commercial world when they are released from this school.

SCHOOL OF LETTERS

The School of Letters is making a splendid showing. The improvement in the student body and in their work is noticeable during the past few months.

THE ALABAMA BOYS INDUSTRIAL BAND

The band at this school has made great progress and their work and efficiency is noticed and commented on by the public.

CHAPEL

Mrs. T. G. Bush, of Birmingham, Alabama, has donated to the school a chapel to accommodate approximately 400 people, which is now under construction, and will soon be completed. This is a brick building, practically fire-proof, and modern in all respects. It will cost about \$19,000.00.

CV

ORCHARD

Some fruit and pecan trees have been put out and will soon be bearing fruit. The school has not sufficient acreage to spare for a large orchard, however, so their operations will necessarily be limited in this line.

SUMMARY

The institution is out of debt and living within its income. They are now discounting their bills, thereby saving a considerable sum of money each year. This achievement is made possible to a great extent by the increased productions of farm, garden and dairy. In the stimulation of production of these commodities, the ambition of the boys to excel in their production is encouraged, so that it has not only a commercial, but also an educational, value resulting in good both to the State and to the boys.

REFORM SCHOOL FOR JUVENILE NEGRO LAW BREAKERS, MOUNT MEIGS, ALABAMA

From report of Board of Control and Economy:

"The reports on surveys made of this institution and inspections by the Board revealed the fact that it was operating under great difficulties.

This school was created and established by an Act of the Legislature approved April 24, 1911, which appropriated for its maintenance \$1.75 per week per capita, which equaled \$91.00 per annum. Before price inflation resulting from conditions brought on by the world war, they probably staggered along, with this appropriation, but at the time the Board of Control took charge of it, the institution was found to be very much in debt and with poor credit, the equipment worn out and run down, the buildings in poor repair and sanitary conditions bad. The morale at the school was low.

A general clean-up campaign was put on and such improvements as the Board was able to finance, was immediately made.

By an Act of the Legislature approved September 30, 1919, the appropriation for maintenance at this school was increased to \$10.00 per month or \$120.00 per annum. The Board invited the co-operation of the Tuskegee Normal and Industrial Institute, and a meeting was arranged at the school between the management of that institute and the Board in June, 1920, at which time they promised the co-operation asked for and have aided us somewhat in our work. Improvements were made in the farm and garden department, resulting in an increased production from that source. More land has been put into cultivation, proper fertilizer used, and improved methods of farming employed.

The buildings have been renovated, screened, and such improvements made as were possible with the equipment at hand.

The class of boys sent to this school makes the work intended to be done by it very difficult. However, progress has been made, and the school has great possibilities if very close supervision is exercised by the State over it.

By hard work and practicing close economy we have accumulated a surplus in our maintenance fund, with which together with other funds promised us, we are building a much needed dormitory, a duplicate of the old one, and a school building and are installing a sewerage system. The school building modern in design and construction, will be equipped with all modern conveniences. Provision has been made in the new dormitory for water closets and bathing facilities. The water supply provided is ample for the present. The sand and gravel used in the construction of these buildings and sewerage system is taken from the property of the school by the boys, and they are doing all of the common labor in connection with the construction work. As a result this work will be done at a minimum expenditure of

CVI

money. When it is completed the school for the first time in its history will have a school house, sleeping quarters and sewerage system, ample for its present needs.

The dairy herd has been built up to a point where sufficient milk is produced to serve the boys milk at one meal each day. The grade of hogs has been improved by introducing registered boars and an improved grade of brood sows.

For the last two years we have produced all of the corn required to feed the stock on the place and furnish corn meal to the inmates. Field peas, sweet potatoes, vegetables and molasses have been produced in quantities to very materially reduce the cash cost of maintenance. The school is operating within its income and discounting its bills."

With the present policies of the Board of Trustees, under the presidency of Judge Wm. H. Thomas, continued in co-operation with the Board of Control and Economy, this school will soon be in excellent condition and will be in position to take from the streets of our cities and towns hundreds and in time thousands of embryonic criminals of the colored race and make them into self-supporting, useful citizens. This institution should have an appropriation of \$25,000 for the purpose of providing a shop for vocational training and a hospital, and I so recommend.

REFORM SCHOOL FOR NEGRO GIRLS

We have training schools for white boys and girls and a reform school for negro boys, but no provision has been made for the reformation of negro girls. There is no place for the negro girl law-breaker except the penitentiary, and the county and city jails. Hundreds of negro girls might be reclaimed and their status changed from liabilities to assets by the establishment of an institution similar to the training school for white girls.

I recommend that a start be made by the appropriation of \$50,000 to be used by the Board of Control and Economy for the purpose of acquiring property and erecting suitable buildings for the purpose, and that a maintenance fund be provided. With such an institution established, the State will have made proper provision for the care of all classes of its delinquents.

AGRICULTURE

Progress has been made in the farming industry. The live stock and dairy industries are steadily advancing. Through the Farm Bureau and the policy of co-operative marketing the farmer is rapidly learning to finance his business to advantage, market his crops systematically and thereby receive full value for them. The boll weevil continues his ravages while the spread of the pink boll worm is a serious menace.

On November 4th, there was held at Memphis, Tennessee, a meeting of the Cotton States Commission at which special at-

tention was given to these pests. I am informed by one of the Alabama delegates that the conference was one of thoughtful and careful study of these problems and that its action was thoroughly businesslike. There was no discussion of cotton prices, cotton acreage, price fixing, suggestions of holding and such things as usually characterize such conventions, all such matters being left to growers and their individual and collective effort. The resolutions of the commission are, in my judgment, worthy of your earnest study and are presented below:

"(1) That in view of the possible infestation in the future of new areas by the pink boll worm, and of the necessity for immediate and drastic action in the event of such a contingency, we recommend that all of the cotton producing states, which have not already done so, adopt adequate laws for preventing the spread of such insect pest. That for this purpose we recommend the adoption of uniform laws in substantially the same form as the pink boll worm laws now in effect in the states of Texas and Louisiana.

(2) It appears from information available that the supply of calcium arsenate recommended by the United States Department of Agriculture in connection with methods of boll weevil control is very limited and the price liable to be so high as to render the general use impossible. It is recommended, therefore, that the ad interim committee to be appointed by this conference be directed to use its best efforts to co-operate with the United States Department of Agriculture in finding ways and means of obtaining an adequate supply of said arsenate at reasonable prices in order that the same may be available for use by the cotton producers during the coming year. We also recommend that action be taken by way of uniform laws or other statutory regulations (where no such laws or regulations now exist) for the purpose of co-operating with the Federal government in safeguarding the quality of calcium arsenate and other insecticides by inspection, analysis, or otherwise. In this connection we commend the laws relating to these subjects recently adopted by the State of Alabama. We warn cotton growers against a too great dependence upon the use of calcium arsenate or upon any other single means of meeting the effects of weevil damage, and would advise the careful study of the experiments of sections of the cotton belt which have been fighting the pest for many years. That cotton is being successfully grown in so many areas in spite of the weevil, and only by the use of cultural methods and better seed, should encourage the more recently infested territories to continue the fight regardless of the ability of the growers in such territory to secure or to use boll weevil poison.

(3) We commend and endorse the research work of the Bureau of Entomology of the United States Department of Agriculture in connection with boll weevil control, but we are convinced that the appropriation heretofore granted by the Congress, amounting to about \$165,000 annually, is wholly insufficient to provide for the prosecution of such research work in as comprehensive a manner as the magnitude and seriousness of the problem demand. In order that the said research work may be conducted in the future on a more comprehensive and intensive scale, to meet the existing needs, we recommend that the governments of the cotton-growing states seriously consider taking immediate steps to establish a research laboratory at the experiment stations now maintained in connection with the agricultural colleges in said states, for the purpose of supplementing the work now being carried on by the central laboratory of the Department of Agriculture at Tallulah, La. We further recommend that the Federal government be urged to greatly increase the appropriations for research work in connection with

CVIII

the boll weevil, in the hope that by increasing the number of experts, as well as the facilities devoted to said work, a specific remedy may be found to either eradicate entirely or effectually control the boll weevil in the near future.

(4) We recommend that an ad interim committee, consisting of the commissioners heretofore appointed by the respective states in this conference, be appointed to carry on the work of the cotton states commission, including the work outlined in the above resolutions, until the states concerned have had an opportunity to adopt the statutory plan of co-operation recommended by this conference."

COMMISSION OF CONSERVATION—FISH, GAME, FORESTRY

Below are suggestions of the Commissioner of Conservation for the improvement of conservation laws, which I commend to your consideration:

"1. **Salaried Wardens.** It is utterly impossible to secure a proper enforcement of and respect for the conservation statutes of the State under the present warden system. Every state in the Union that is doing real constructive work in the protection, conservation and propagation of the wild life of field, forest and stream has abolished the fee system, and substituted therefor the salary system, maintaining a sufficient number of wardens to secure a proper enforcement of the laws.

The lack of respect for the game and fish laws in Alabama is due most largely to the inability of the Commissioner of Conservation to secure efficient men to act as County Game and Fish Wardens, or Special Agents.

By way of comparison, I shall direct your attention to the fact that in the state of Louisiana it was estimated that during the season of 1920-21 there were approximately 80,000 guns. Under the salaried warden system the commissioner was able to secure highly efficient men who were active. The result was that during that year \$103,000 were placed to the credit of the game and fish protection fund through the sale of hunters' licenses.

In Alabama, for the same period and with approximately the same number of guns, only 15,456 hunters' licenses were sold, placing to the credit of the game and fish protection fund, after deducting commissions allowed probate judges, approximately \$25,000.

Under the Louisiana system, as is common in all states where constructive work is being done and desired ends accomplished, the increase in the sale of hunters' licenses far more than pays the salary and expenses of the wardens.

Under the Alabama system only about 20% of the people who hunt secure a hunter's license.

2. **Hunter's Licenses.** The county hunters' licenses should be abolished. Almost every gunner, living at or near a county line and many who live remote distances, secure a county license and use it hunting in a neighboring county. A uniform hunter's license is more desirable and will bring greater revenues to the department.

3. **Conforming to Federal Statutes.** All State laws relating to migratory fowl should be changed to comply with the Federal Migratory Bird Treaty Act and the regulations thereunder.

4. A hunter's license represents a special license tax paid by the sportsman for the protection and conservation of the State's natural resources. I believe that after deducting from the game and fish protection fund the expenses which the State government is put to in maintaining the Department of Conservation, the remainder should be spent back into the State in the proper development of the State's natural resources.

CIX

If the State is to fall in line with the other states in forestry work and the control of forest fires, a portion of the money arising from the sale of hunters' licenses, supplemented by funds arising through a severance license tax on timber or other moneys obtained as revenue from the lumber industry, should be used in putting over a big constructive program in the State for the perpetuation of our forests and the conservation of the State's other natural resources.

5. **Fish Pond Culture Stations.** Our streams have become very largely depleted of fish. Practically every state in the Union except Alabama supports from one to twenty-five fish hatcheries, or pond cultural stations. The conservation conference with one hundred of the State's representative citizens in Montgomery, on September 13th, passed a resolution unanimously recommending that the Legislature appropriate \$25,000 of the \$108,000, now in the treasury to the credit of the game and fish protection fund, for the construction of pond cultural stations in the State for the purpose of rearing game-food fish to be transported to the public streams of the State.

6. In almost every instance the penalty for violation of the conservation statutes is not sufficiently severe to deter many indifferent people from violating certain provisions thereof. In addition to a fine, a hard labor sentence should be imposed on the person who would dynamite or poison a stream for fish.

Only now and then do I come in contact with citizens of the State, aside from the lumbermen themselves, who have given much thought to the very serious problem of a near lumber famine in the State of Alabama. Many of those engaged in the lumber industry, in which industry is involved their entire capital, have never given serious consideration to the question of the future supply of timber.

Forestry in Alabama, as in many other states, has furnished one of the basic industries of the State, and therefore involves an economic problem that we as citizens of the State can no longer afford to overlook.

In 1910, Alabama ranked first among the Southern States in the production of lumber, and Mobile claimed the distinction of first place among the ports of the world in the lumber export trade. In 1920, Alabama had dropped to third place among the Southern States in the production of lumber, and Mobile had descended from first to sixth in the lumber export trade.

We are today cutting our timber more than four times as fast as we are producing it. Only ten per cent of what is now being cut is original growth, the other ninety per cent being second growth and of inferior grade.

In 1910, the estimate indicated that Alabama had thirty-eight billion feet of standing long-leaf pine. The estimate of 1919 showed approximately twenty-five billion feet, or a reduction during that decade of thirteen billion feet of pine timber alone.

In 1919, there were six hundred and thirty saw mills in Alabama cutting pine timber. Of this number thirty had a ten year cut, or over. In 1922 we have approximately five hundred mills cutting pine timber, with a possible fifteen with a ten year cut, or over.

These figures sound appalling, and they are, but they are as nearly correct as the government estimates can make them.

I am reliably informed that the states of Georgia and Texas are today importing more lumber for domestic purposes than they are exporting. At the present rapid rate, Alabama will be doing the same thing within a few years.

The number of people whose livelihood depends, directly or indirectly, upon our forests is very large. The place of forest products in sustaining the present industrial structure of the State is of great importance.

Between fifty per cent and sixty per cent of the State is classed as forest land. We have then a land problem, a question of how half of the State is to be utilized in the future. The problem of Alabama is to make the for-

est lands of the highest service in building up the State on a permanent basis. We have approximately six million acres of cut-over land in the State with less than fifty per cent of it suitable to profitable agriculture. The remainder is practically worthless except for growing timber.

The lumberman claims that the present assessed valuation of these cut-over lands will not permit re-forestation because they would be forced to pay taxes on them for a long period of years before they could get any returns, and by that time the taxes would have eaten up all the profit.

In the state of Louisiana there is in operation a severance license tax on lumber and other natural resources. Out of this severance license tax revenues are obtained to run a division of forestry in the department of conservation.

A nominal tax value is put on non-agricultural cut-over areas, which enables the Commissioner of Conservation to enter into a contract with the landowner, under the direction of a trained State forester, to reforest these cut-over lands. The reduced tax income to the State on areas under contract is made up through the severance license tax. In some of the other states the division of forestry is operated upon revenue secured from an occupation tax.

The Legislature of Alabama in 1907 passed a forestry bill which was approved by Governor Comer, but later it was declared unconstitutional.

Annual forest fires destroy hundreds of thousands of dollars worth of young growth that would in the years to come prove a valuable asset to the State. One of the principal features of a forestry program should be the inauguration of a fire patrol system to prevent forest fires. When Alabama shall have taken proper steps through the enactment of legislation creating the proper machinery for fire control and the establishment of a constructive program in forestry, the Federal government, through its Bureau of Forestry, will co-operate in a financial way in helping to perpetuate the forests of the State."

DEPARTMENT OF INSURANCE

Your attention is directed to the following excerpt from the report of the Commissioner of Insurance showing results of the operation of that very important department of the State. The able management of the department is highly commendable:

"Table I attached hereto is a statement of the income of the department, for the period above mentioned, from which you will observe that the income of the department shows a gradual increase up to the year 1922 when the total income falls below what it was for the year 1921. This is due to the fact that the business transacted by the insurance companies within the State reached the highest peak in the history of the department during the year 1920 and the premium tax on this volume of business is reflected in the 1921 report.

The period of deflation, following the high-water mark of business in 1920, was exceedingly disastrous to the insurance business. Not only did all companies suffer a serious shrinkage in premium income, but fire companies especially had a very material increase in losses paid. So serious were the losses to the business that eighteen companies which were doing business in the State in 1920 were forced to withdraw under various circumstances; thus decreasing to that extent the volume of insurance business transacted within the State during the year 1922.

Another matter which tends to bring the total income of the department for 1922 below what it was for 1921 is found in the fact that up to and

CXI

including the year 1920 this department, in collecting fire marshal tax, collected from each fire insurance company two-fifths of one per cent on the total gross premiums of such company regardless of whether or not the gross premium was derived from a fire risk or from other lines of coverage extended by such company. Under date of December 20, 1921, the Attorney-General's office, in a written opinion advised this department that where premiums collected by insurance companies for protection against fire losses are segregated from the premiums collected for protection against other causes of damage, the fire marshal tax should only be levied upon the amount of fire insurance premium. Consequently, while the fire marshal tax for the year 1921 was \$40,310.59 for the year 1922 it is only \$30,783.81.

Table II, hereto attached, shows expenditure from which you will observe that the expenditure of the department for 1921 is less than it was for 1920; while for the period covered during the year 1922 there is still a decrease.

The total income of the department for the period covered by this report is \$2,552,221.20. Expenditure for the same period is \$85,359.20. Net profit to the State, \$2,466,862.00.

Since all the expense of the department is paid out of the funds collected by the department from the insurance companies, and since the premiums charged the citizens of the State are lower with the Insurance Department functioning than they would be without such department, and since all funds collected by the department in excess of operating expenses go into the general fund of the State, it is evident that the department has, without one penny of cost to the taxpayers of the State either directly or indirectly, yielded to the taxpayers of the State a total net profit of \$2,466,862.00.

REAL USEFULNESS OF DEPARTMENT

It is impossible for the real usefulness of the department, or the actual value of the department to the citizens of the State, to find expression in any financial exhibit, or in a statement of income and disbursement. As illustrating in some way the wider field of usefulness of this department, I am calling attention to the fact that during the period of deflation following the year 1920, and which was so disastrous to many lines of business, as noted elsewhere in this statement, the withdrawal from the State of eighteen insurance concerns, not one policy holder of the State, so far as this department is advised, sustained the loss of a single dollar by reason of the crash in the business of insurance.

It is unfortunate that so many people seem to regard the Insurance Department as a mere collecting agency, or revenue producer. It is true that the department is one of the very best net revenue producers which the State has. It is equally true, however, that the savings to the citizens of the State, effected under the supervision of the insurance business in the State by the department, is many times greater than the amount of profit reflected in the financial statement, and no department of State so vitally touches the financial interest of every citizen in the State as does the Insurance Department, and in its work of supervision it is called upon to adjust thousands of matters involving the interests of the citizens of the State that find no expression in financial reports and no publicity through the press."

TABLE I—INCOME

	1918 12-31	1919 12-31	1920 12-31	1921 12-31	1922 9-30
Company license @ \$101.00.....	\$ 17,978.00	\$ 19,493.00	\$ 21,513.00	\$ 22,119.00	\$ 22,624.00
Company license @ \$51.00.....		357.00	561.00	561.00	510.00
Fraternal license @ \$51.00.....	2,346.00	2,295.00	2,295.00	2,295.00	2,295.00
Reciprocal license @ \$51.00.....	867.00	1,275.00	1,632.00	1,683.00	1,581.00
Agents license—Life @ \$5.00.....	7,555.00	9,890.00	14,200.00	13,050.00	12,970.00
Agents license—Fire @ \$5.00.....	21,535.00	23,490.00	28,350.00	30,250.00	30,060.00
Agents license—Miscellaneous @ \$5.00.....	9,635.00	11,555.00	10,690.00	10,660.00	10,170.00
Brokers license @ \$10.00.....			1,170.00	1,130.00	990.00
Premium tax—Life.....	143,147.41	153,631.45	222,334.15	280,423.73	268,631.43
Premium tax—Fire.....	73,375.51	88,787.49	109,472.05	126,366.88	107,324.44
Premium tax—Miscellaneous.....	40,674.93	65,017.52	39,983.09	63,448.74	53,070.56
Premium tax—Reciprocal.....	1,587.21	2,483.41	3,221.28	5,541.65	3,477.42
Premium tax—Mutual Aid.....	12,975.84	18,362.37	26,846.65	33,330.40	29,080.97
Admission deposits.....		9,000.00	12,500.00	6,500.00	6,000.00
Fire Marshal tax.....	10,972.35	13,552.92	33,946.05	40,946.45	30,783.81
Tax on unauthorized insurance.....	492.52	431.34	560.13	822.23	1,062.33
Back tax and license fees.....	9,728.75	5,317.25	1,687.21	336.00	258.00
Policy registration fees.....	618.75	903.75	1,015.50	601.00	549.25
Examination expenses collected (from companies examined).....	908.01	821.41	2,546.75	537.38	
Seals and copy.....	48.00	54.75	166.03	55.00	68.00
Collected for valuation of securities.....			32.00	35.00	20.00
Fee agent and place.....		50.00	2,040.00	210.00	120.00
Telephone (bill collections) and telegraph.....				70.22	1.25
Home Protective League (expense to Huntsville).....				28.55	
Entrance fees.....	6,000.00	4,500.00			
License fees collected—license not issued.....		203.00			
Transferred bank account June 30th.....		843.04			
Dividend on tax due from bankrupt companies.....		30.18			14.61
Witness fee.....	5.85				
Totals.....	\$360,451.13	\$432,344.88	\$536,761.89	\$641,001.23	\$581,662.07

TABLE II—EXPENDITURE

	1918 12-31	1919 12-31	1920 12-31	1921 12-31	1922 9-30
Salaries	\$ 5,958.30	\$ 6,149.91	\$ 7,638.24	\$ 7,396.75	\$ 6,075.00
Office supplies	1,187.75	433.85	3,285.37	1,535.66	1,117.74
Printing	1,077.10	1,486.56	2,193.94	3,687.76	1,300.72
Traveling expenses	654.19	185.09	133.29	201.00	83.86
Telephone and telegraph	59.51	101.76	54.62	230.08	52.46
Postage	440.00	400.00	475.00	450.00	312.95
National Convention of Insurance Commissioners		50.00	86.00	115.00	
Per diem charges and expenses of Actuaries	105.77	1,630.41	4,799.25	3,977.97	1,560.00
Fee special attorney		50.00			
Alabama Audit Company	542.84				
Certificates of refund					
Miscellaneous	4.35	12.50		1,431.86	1,233.04
Salary Fire Marshal	2,000.00	1,499.94	1,010.27	88.71	27.77
Expense of fire investigation	3,690.97	3,084.09			
Totals	\$ 19,720.78	\$ 15,084.11	\$ 19,675.98	\$ 19,114.79	\$ 11,763.54

CXIV

ALABAMA NATIONAL GUARD

The history of the organization and operations of the new Alabama National Guard is contained in a report recently submitted by the Adjutant General, Colonel Hartley A. Moon, who has shown marked ability as an organizer.

I call particular attention to the record of field services performed by the Guard for the protection of the lives, property and rights of citizens of the State and for the relief of citizens in distress. The value of these services is incalculable and they deserve the highest commendation.

The following memorandum from headquarters of the Fourth Corps Area, United States Army, shows the progress of organization of the National Guard in the states comprising the Fourth Corps area and affords cause of congratulation and just pride in our State military establishment:

Strength, November 1, 1922			
	Officers.	Enl. Men.	Aggre.
Alabama	161	2,670	2,831
Florida	93	1,645	1,738
Georgia	133	2,396	2,528
Louisiana	88	1,727	1,815
Mississippi	69	1,336	1,405
North Carolina	116	2,214	2,330
South Carolina	97	1,808	1,905
Tennessee	57	8,806	863
Total.....	813	14,602	15,415

The report of the Adjutant General follows:

"1. Because of lack of proper national laws and the adoption by the states of such specific measures, the entire National Guard of the United States, on being mustered out of the Federal service after the war with the Central European powers, reverted to a civilian status including both officers and enlisted men. This left the states with absolutely no National Guard. The State of Alabama did not have one National Guardsman with Federal recognition at the beginning of the year 1919.

No effort was made early in the year 1919 to reorganize the National Guard of Alabama under the provisions of the National Defense Act of 1916, because of a letter from the War Department bearing date of January 22, 1919, informing the governors of the states that the military policies of the War Department had not been definitely settled and that until policies and plans had been worked out, authority would not be granted states to organize National Guard units with Federal recognition. Some states proceeded with the organization of a purely State Guard, but this was impossible in Alabama because of the fact that no State-owned arms, equipment, and uniforms were available for issue for such troops and no State appropriations were available for the purchase of such.

Pending instructions from the War Department, concerning the date on which to begin reorganization, the State Legislature, which was in session in February, 1919, took steps to comply with section 110, National Defense Act, so that when authority was given there would be no obstacles to the Federal government's co-operating with the State in the reorganization work, furnishing arms and equipments and paying the National Guard armory drill and field pay.

There being considerable delay in progress concerning the policies and plans of the War Department, on March 7, 1919, a special request was made by the Governor of Alabama that the War Department authorize this State to organize the State Staff Corps and departments and one infantry regiment. After considerable delay and correspondence, authority was given by the War Department on June 11th for the organization of the Adjutant General's Department and the Quartermaster Corps of the State Staff Corps and departments, and one infantry regiment. Work was immediately started on these units. In July, 1919, authority was granted for the organization of other divisional units of the Alabama National Guard.

Progress during the year 1919 was very slow as the military man power of the State had just been mustered out of the service of the United States and had had no opportunity to readjust themselves to their civil vocations. This was especially true of the officer material, who were, as a rule, mature men and, in many instances, men with families and in such businesses as required practically all of their attention and time in obtaining their readjustment.

2. Organization.

The first units mustered into the State service with Federal recognition were the Adjutant General's Department and the Quartermaster Corps of the State Staff Corps and Departments, on July 1, 1919. This was followed by the organization of Company "L," 167th Infantry, Birmingham, July 2nd; Company "A," 167th Infantry, Montgomery, July 12th; Company "D," 167th Infantry, Selma, August 6th; Third Battalion Headquarters Company, Birmingham, August 20th, 1919. By December, 1919, there were seven units of the 167th Infantry recruited and mustered into the National Guard of Alabama with Federal recognition.

In the year 1920, there were added three infantry companies and one troop of cavalry with Federal recognition. Organization work during this year was carefully and deliberately carried on, as the experiences of the previous year were used to advantage in organizing units on a more substantial basis with assurance of community support in military man power and of local appropriations and moral backing of the business interests.

In the year 1921, there were added six infantry companies, a tank company, three cavalry troops and two batteries of field artillery with Federal recognition.

In the year 1922, up to and including the 30th of September, there were added three companies of infantry, completing the 167th Regiment; two troops of cavalry, completing the 55th Machine Gun Squadron and completing our entire cavalry allotment; four batteries of field artillery, completing the artillery battalion and the entire allotment of field artillery. Other units organized during this year were the 114th Veterinary Company; the 153rd Motor Transport Company; the 135th Observation Squadron (Air Service); the 140th Ambulance Company; the 127th Wagon Company; Company "D," 133rd Engineers; the Headquarters Company, 77th Infantry Brigade; the 114th Ammunition Train and the Headquarters Company, 39th Infantry Division. With the organization of the Brigade Headquarters Company, the entire infantry allotment of this State was completed.

This gives the State of Alabama forty-two (42) organizations with Federal recognition at the end of the fiscal year, September 30, 1922, with a strength of one hundred and sixty (160) officers and two thousand six hundred ninety-six (2,696) enlisted men, a total of two thousand eight hundred fifty-six (2,856) active citizen soldiers.

The units of the infantry regiment are grouped in three battalion areas. The first in the black belt; the second in the northeast section of the State; and the third in Jefferson county; the separate infantry units being the Headquarters Company, 77th Infantry Brigade, stationed at Tuscaloosa, and

CXVI

the Headquarters Company, 39th Infantry Division, stationed at Mobile. All the field artillery organizations are allotted to the southeast section of the State. The four cavalry units of the 55th Machine Gun Squadron are organized in the south central area of the State, with the two separate units of cavalry stationed in Hartselle and Birmingham. Other units of the Alabama National Guard include Division, Corps and Army Troops. The Corps Engineer Battalion is allotted to four counties in the Tennessee Valley, with one company of engineers stationed at Huntsville. The other companies of the engineer regiment have not been organized because of lack of Federal appropriations and the possibility of the State appropriations not being sufficient for maintenance. The attached print gives the geographic locations of all the organizations of the Alabama National Guard.

Our progress in organization as compared with the other seven states in the corps area indicated that on August 1, 1922, Alabama had thirty-eight (38) organizations with Federal recognition; Georgia, thirty-six (36); North Carolina, thirty-three (33); Louisiana, twenty-nine (29); South Carolina, twenty-nine (29); Florida, twenty-four (24); Mississippi, twenty-one (21), and Tennessee fifteen (15). The reports from the War Department on June 30, 1922 show that the 39th Division, which includes the states of Florida, Alabama, Mississippi and Louisiana, is ninety-one per cent (91%) organized. The same records show that the nearest division bordering the 39th Division Area is ten points below the organized strength of the 39th Infantry Division.

The State of Alabama has joint interest with other states in the corps area in the following organizations. The 77th Infantry Brigade is made up of the 154th Infantry of Florida and the 167th Infantry of Alabama. The 141st Field Artillery is organized with the First Battalion in Louisiana and the Second Battalion, with Headquarters Battery and Service Battery and Regimental Headquarters in Alabama. The 133rd Engineers is to be organized with the First Battalion in South Carolina, and the Second Battalion, with Headquarters, Headquarters and Service Company, in Alabama. We also have joint interest with Tennessee and North Carolina in the 109th Cavalry. All four units of the Fourth Corps Air Service are allotted to the State of Alabama, with the 135th Observation Squadron (Air Service), stationed in Birmingham.

3. Property.

The military property, which is a free issue from the Federal government, includes all classes carried by the army, and on September 30, 1922 was valued at \$1,069,105.34.

The condition of United States military property in the hands of the Alabama National Guard is, in the major part, excellent. Ordnance property, including rifles, automatic rifles, machine guns, pistols and field guns, is, as a rule, in excellent condition. Quartermaster equipment, including uniforms and all articles of clothing, as a rule, is in good condition, but some of this property, having been used through long periods of active State military service on emergency calls, is unserviceable and will be surveyed, dropped from our returns and replaced. This also applies to tents, which have been used for shelter of our citizens in various parts of the State in aid and relief after storms and floods. The military property, as a whole, is in serviceable condition and we are gradually improving armory conditions, which give better weather, police and fire protection at the stations of these organizations.

4. Personnel.

The quality of the commissioned officer and enlisted personnel, as a rule, is the best that the communities in which these organizations are stationed, afford, and our reason for being able to get this class of personnel is the splendid support and co-operation given by the business men and women

CXVII

of the communities, because of their understanding of the need of this force of citizen soldiery, both for possible State and national service. The citizens' military committees, organized in most of the stations, act as a go-between the organization and public officials and the community at large in getting a proper understanding of the need of the National Guard and the necessary support of various kinds for its maintenance.

5. Federal and State Appropriations.

Federal appropriations for armory drill and field pay, transportation, subsistence, etc., were as follows:

For the year 1920.....	\$ 54,534.36
For the year 1921.....	128,615.43
For the year 1922.....	240,133.58
	<hr/> \$423,283.37

The Federal government issued to the State military property and equipment as follows:

For the year 1920.....	\$210,470.14
For the year 1921.....	228,682.11
For the year 1922.....	629,953.09
	<hr/> \$1,069,105.34

The State spent out of the military appropriations as an organization and maintenance fund:

For the year 1919.....	\$ 4,102.84
For the year 1920.....	24,139.55
For the year 1921.....	40,729.56
For the year 1922.....	49,905.34
	<hr/> \$118,877.29

The total Federal appropriations to our State for the four years preceding September 30, 1922, is \$1,492,388.71. The total State appropriations during the same period is \$118,877.29.

6. Protection of Lives and Property and Aid and Relief of Citizens in Disaster.

During the period 1919-1922, all years inclusive, the National Guard of this State has been called ten times into the active service of the State for protection of lives and property and for aid and relief of our citizens in disaster. The first call was for riot duty in the mineral districts of Alabama in the month of November, 1919, which involved the use of about three hundred officers and enlisted men for seventeen days.

In February, 1920, in Tuscaloosa county, detachments of the Alabama National Guard and military property, including tents, cots, blankets, etc., were used in the aid and relief of storm sufferers.

In March, 1920, detachments of the Alabama National Guard with military property, which included cots, tents, bed sacks, etc., were used in Tallapoosa county in aid and relief of citizens in disaster, the property being distributed from Dadeville.

In April, 1920, in Marion, Franklin and Winston counties, detachments of the Alabama National Guard and military property, including cots, tents, etc., were used in the aid and relief of storm sufferers. These troops worked in conjunction with the American Red Cross and received the highest commendation for their services both from the citizens of the counties in question and the officers and workers with the Red Cross.

CXVIII

In April, 1921, detachments of the Alabama National Guard with tents, were used in aid and relief of citizens in disaster in Tallapoosa county, the property being distributed from Waverly. During the same month tents were distributed to flood sufferers in Elmore county.

In September, 1920, military organizations were ordered into the active service of the State for protection of lives and property in the mineral districts of Alabama. The initial order called for about three hundred (300) officers and men. This was later increased, finally reaching the strength of about eight hundred (800) officers and men in November and December. This strength was gradually reduced and on February 22, 1921, the entire personnel in the active service of the State was demobilized because of the end of the miners' strike. We are informed that this five and one-half ($5\frac{1}{2}$) months of service, is the longest continuous period of riot duty that has ever been experienced by any military organization in the United States.

In August, 1921, about one hundred and eighty (180) officers and enlisted men were used to protect a prisoner on trial at Centreville, Alabama. About the same number of officers and men were used on the occasion of the execution of the prisoner in September following. The conduct of officers and men on this occasion was exemplary and shows that law and order can prevail when backed by determined protection, even in the worst criminal cases that can occur in this State, as this prisoner was lawfully tried and executed when it was known that there was a large majority element, who were determined on taking the law in their own hands.

In July, 1922, at Fort Deposit, Alabama, a detachment of two officers and twenty-six (26) men were called into the active military service of the State for the protection of a negro prisoner.

In August, 1922, troops were again called into the active military service of the State for protection of lives and property at Albany and Birmingham incident to the railway shopmen's strike. At one time there were about five hundred (500) officers and men on duty. At the present time there are about two hundred (200) officers and men on duty, equally divided between the two areas of Albany and Birmingham. This work has been of an unusually arduous nature and has required the use of the greatest tact and diplomacy on the part of the officers and enlisted personnel and to date this service has been rendered in the most commendable manner.

On October 2, 1922, about fifty-five (55) officers and men of the organizations of the city of Montgomery were used in protecting a prisoner in the county jail. The service of these soldiers on this occasion received the highest commendation by the best citizens of our community. The fact that these troops were fired on and did not return the fire, which would, in all probability, have involved the possible loss of life to innocent bystanders, indicates the highest quality of discipline, coolness and self-restraint.

7. Training.

This State now has on duty with the National Guard, six (6) officers of the Regular United States army as instructors. Three infantry instructors, one officer of the air service, and one cavalry instructor, and one field artillery instructor. There are eight (8) noncommissioned officers of the Regular United States army on duty with the National Guard of Alabama, as sergeant-instructors,—three infantrymen, one cavalryman, one air service man, one field artilleryman, and one engineer. These officers and noncommissioned officers are rendering valuable service in instruction, in administration and tactical work and in the conduct of schools by correspondence, lectures and personal instruction. In addition to their regular work they are giving the State valuable service in the maintenance of the units in the area to which they are assigned, and all have a most commendable interest in the organizations under their instruction, and are doing everything possible to help in arousing a permanent community interest and support, and are giv-

CXIX

ing our citizens as a whole information and instruction in the value of military instruction and the necessity for the maintenance of these units of citizen soldiery.

8. Personnel.

The officers and men as a whole have shown great enthusiasm and interest in the organization, maintenance and instructional work both in the armory and in the field. We are gradually improving the quality of the personnel, both the commissioned and enlisted men by eliminating the morally unfit and others who, because of certain traits of character, are rendered unfit for retention in the military service. As an example of the quality of our officers, Alabama has had two officers detailed for duty in the War Department at Washington during this period,—one with the Militia Bureau, this officer being one of three selected from the entire United States, and one for a six months period of general staff duty representing our corps area of eight states.

9. Service Schools.

During this period, 1919-1922, we have had six officers to finish special courses in the service schools of the United States army, including the infantry school at Fort Benning, the field artillery school at Fort Sill, the cavalry school at Fort Riley, and the tank school at Camp Mead. We have had eight noncommissioned officers to complete courses for enlisted men at the army service schools for enlisted men. We also have one cadet, appointed from the Alabama National Guard, in the United States Military Academy.

10. Organization of new units for the coming years will be accomplished very deliberately because Alabama now has organized seventy-five per cent (75%) of our entire allotment under the National Defense Act. The work of the military department will be largely that of maintenance and improvement of conditions in the individual units throughout the State. This maintenance is of more vital importance than any other factor for the upbuilding of the National Guard, and in this work we confidently anticipate the hearty support of our citizens."

DEPARTMENT OF ARCHIVES AND HISTORY

The Alabama State Department of Archives and History has during the past four years conducted its affairs in the economic and efficient manner which has characterized it from its beginning more than twenty-one years ago. Early in this administration the department suffered the loss by death of the founder and for twenty years director, Thomas M. Owen. His widow was elected by the board of trustees, the delegated authority, as his successor and assumed her duties early in April of 1920. Since the creation of this department, which has been pronounced by authorities a new venture in political science, thirteen other states have adopted the Alabama plan. The founder constantly added new activities to the office and brought it from a bureau of archives and historical records to a branch of the State government rendering practical service to all the people through its various new sub-divisions.

To the original collection of unassorted State papers scattered throughout the various departments in the Capitol which were brought together in the Department of Archives and His-

tory, has been added this class of material with the out-going of each administration. The very practical service of classifying and arranging this material subject to the call of any official or citizen of the State has produced such an accumulation of documents that additional space must be provided or efficiency sacrificed. What is true of the official papers of the State is also true of all of the collections of the department including its newspaper files, museum objects, portrait gallery, natural history collections, scientific collections of all sorts and the Legislative Reference Library. There is not an attic, basement, or receiving closet in the Capitol that is not crowded with collections belonging to this department and I recommend that the action of the Alabama Memorial Commission created by the Legislature of 1919, recommending a memorial building to commemorate Alabama and Alabamians in the World War and to house the Alabama State Department of Archives and History with its records of all wars and all other classes of its collections, be given favorable consideration by this Legislature.

The collections of the department during the last four years have been materially increased. Although all museum objects have been removed from their cases and boxed for lack of space, there has been no abatement in efforts to add to the collections pending the time when a suitable fire-proof building will be provided by the State. A very valuable addition was made when the Navy Department placed here the silver service presented by the people of the State to the battleship Alabama, which vessel has now been dismantled and destroyed. A number of valuable oil portraits of eminent Alabamians have been presented to the department. The library has been enriched by the acquisition of some rare books and the manuscript division largely augmented.

One of the most far-reaching activities of the Department of Archives and History is the State-wide free traveling library system which it conducts. Although no additional appropriation has ever been made for this work the department has, through a devoted interest, secured gifts of books from publishers throughout the country and from other sources which have made possible a reasonable response to the call of the children of the rural districts. This service is constantly growing and the number of libraries, consisting of from forty to a hundred volumes sent out monthly by the department during the past year, exceeds the annual circulation of former years. If this work is to grow means must be provided the department for the maintenance of one field worker to stimulate interest and to assist local, untrained librarians in the best method of handling and caring for the books when they reach the rural schools and communities. New books must be bought and clerical help furnished for their administration in the department. It has been the experience of other states

that a traveling library system properly conducted is of inestimable value as an educational force, reaching as it does the isolated individual and community. The ultimate end of such a system is the stimulation of local and county libraries, both of which are gradually coming into being in Alabama.

Since 1907 the department has been collecting a legislative reference library. Prior to 1915 this division of the department library had not reached that point where it was sufficiently complete to be of marked service. However since that date it has been constantly built up. During the last four years the members of the Legislature have made constant use of the material in connection with bill drafting and legislative needs. This collection is made up not only of local matter but consists also of legislative Acts and reports of commissions in the several states of the Union. The librarian of the department is frequently called upon to do research work during legislative recess for members of that body. This work however like other activities of the department is very much hampered for lack of library space.

The Department of Archives and History is the custodian of all Confederate records and rosters. The director is a member of the Pension Board and correspondence conducted with applicants for pensions, and with the War Department at Washington in connection therewith, amounts to several hundred letters monthly.

This department with increasing usefulness has become a State-wide bureau of information. Its historical reference collections are called upon daily by scores of mature students throughout the State, both as individuals and as members of scientific, patriotic, literary, art and musical circles. In addition to service of this character rendered to the people of Alabama, statistics and information of a practical kind are daily supplied to calls from over this country generally as well as foreign countries.

This department is the medium through which several commissions authorized by former legislatures operate, by virtue of the fact that the director has been named in several cases as ex-officio secretary. Among these are the Alabama Memorial Commission, and the Alabama Centennial Commission. The people of Alabama are aroused today as never before to a patriotic love and appreciation of their State. This condition is due in large measure to the numerous historical celebrations that have taken place incident to the centennial anniversary of the State's admission into the Union and the marking of historic spots. Through the joint efforts of the Centennial Commission and the Department of Archives and History and local agencies a granite boulder has been placed on the site of old St. Stephens, marking

the site of the Territorial Capital. A marble boulder was placed on the site of old Cahaba, marking the first State Capital. A granite boulder was placed on the grounds of the old State House in Tuscaloosa marking the site of the second State Capitol and plans are in progress to mark with a bronze tablet the Court House at Huntsville, at which place the convention was held which adopted our first State Constitution. The Capitol in Montgomery will at an early date be marked with a bronze tablet suitably inscribed showing that city as the fourth and last Capital of the State and the first Capital of the Confederate States. This department is worthy of your sympathetic consideration in the matter of appropriations for its maintenance.

EMPLOYMENT OF RELATIVES BY PUBLIC OFFICIALS

I deem it my duty to advise you of the growing tendency toward the employment of relatives in public offices. For many years complaints have been heard about "public offices becoming private snaps." There is more just cause for such complaints now than ever before. This practice of employing relatives in public office has and can so seriously affect the orderly administration of the public business that I regard it as imperative that legislation be enacted which will limit if not prohibit it.

Any member of this Legislature by methods of his own may obtain information to show that the public business of several departments in the capitol has been transacted by relatives of the heads of the departments. In many cases the work has been well done and it is not my purpose now to point out the inefficiency of any employees of the State but to show that the practice may lead to a condition whereby the public business may be seriously affected.

The State treasury will serve as an illustration: The State Treasurer has one daughter as chief clerk and another daughter as an assistant clerk. There are two other employees, both women. I doubt not that the work will be handled efficiently, but what would happen if the State Treasurer should become ill? He and his chief clerk, his daughter, are the only ones permitted to handle the State's money and draw the State's warrants. If the Treasurer should become ill his chief clerk naturally would be called to his bedside and his other daughter, an assistant clerk, would go, also. This would leave only two employees in the department and neither would have authority to receive or disburse State funds.

I suggest that the Legislature enact a law limiting if not prohibiting the employment of their relatives by heads of departments.

CXXIII

UNIFORM STATE LAWS

In accordance with established custom, and the desire of the National Conference of Commissioners on Uniform State Laws, at the beginning of my administration I appointed five commissioners for Alabama to the conference; and I have in my hands the report of the lawyers whom I appointed as the State's commissioners. They recommend that Alabama adopt twelve more of the laws prepared by the conference to promote uniformity throughout the United States of the law upon commercial relations. In 1909 we adopted in Alabama the Uniform Negotiable Instruments Law, and in 1915 the Uniform Warehouse Receipts Law, and my commissioners urge that the remaining uniform laws affecting commercial relations be adopted at once. I cannot too plainly indorse the importance of uniformity in commercial laws; and the work of the conference to that end; and I trust the report of the commissioners from Alabama will receive your careful study. The report follows:

"To the Governor of Alabama:

In the summer of 1920, Your Excellency appointed the undersigned as Commissioners for Alabama in the National Conference of Commissioners on Uniform State Laws; and as we assume that our term of office expires with your term of office as Governor of Alabama, we now respectfully make report of our actions since our appointment, and take the liberty at the same time to make our suggestions as to the extent to which Your Excellency should ask the Legislature of Alabama to endorse the work of the conference and adopt their recommendations as laws.

There have been three meetings of the conference since we were appointed commissioners, the first during the week preceding the meeting of the American Bar Association at St. Louis, in August, 1920. The second during the week preceding the meeting of the American Bar Association at Cincinnati in August, 1921, and the third during the week preceding the meeting of the American Bar Association at San Francisco in August, 1922. The conference always meets at the same place as the American Bar Association, but during the week preceding the meeting of that body, so that in fact the conference and the association are separate. Membership in the conference is entirely dependent upon appointment by the governors of the several states, with or without legal authority, as the several states provide; whereas membership in the American Bar Association is voluntary with the members of the bar throughout the country.

Judge McClellan, Judge Smith, and Mr. Sims attended the conference at St. Louis. Mr. Sims attended also the conference at Cincinnati, and Mr. Dixon attended the conference at San Francisco. Judge McClellan, Judge Smith and Mr. Sims were prevented from attending the conference at San Francisco because of its conflict in time with the democratic primary in Alabama in August, 1922.

But attendance on the meetings of the conference is by no means the only work of the commissioners. After attending one or more conferences, commissioners are likely to be appointed on committees which require much individual labor between times, as well as one or more special conferences throughout the year. Thus Mr. Sims was appointed on the Committee on Commercial Law, and went to New York to a meeting of that committee in January, 1922, and also was appointed chairman of a committee to consider

CXXIV

and prepare a bill for a law to make uniform the law relating to the extradition of persons charged with crime. The bill prepared by Mr. Sims' committee was considered by the conference at its meeting in San Francisco in August, 1922, but as the conference never recommends a bill to the states for passage until it has been considered at two conferences at least, that bill is not yet ready to be presented to the Legislature of Alabama for enactment this year. It is still under consideration by the conference.

The National Conference of Commissioners on Uniform State Laws was founded in 1892, and has met annually ever since; so that the meeting at San Francisco last summer was the thirty-second conference. Its purpose is to prepare bills upon subjects upon which the law all over America, in their judgment, ought to be uniform, and to recommend their bills when prepared by them in final form for enactment by the various legislatures into law; the commissioners from each state assuming the tacit obligation to use their best efforts to procure the enactment of the uniform bills in their respective states.

So far the conference has prepared and recommended for adoption thirty bills; but only three of them have been adopted as yet in Alabama, namely, the Negotiable Instruments Law adopted in Alabama in 1909, the Warehouse Receipts Act, adopted in Alabama in 1915, and the Desertion and Non-Support Act adopted in Alabama in 1915. Of the other proposed uniform laws which Alabama has not yet adopted, we respectfully suggest that you recommend the immediate adoption of at least nine and probably twelve as covering subjects upon which the law of Alabama should be uniform with that of the other states. Some of these Acts have not yet been adopted by a large number of states, and, therefore, there may be some doubt whether the law of Alabama should be materially changed in those cases merely to promote uniformity in future. But where a considerable number of states have already adopted a law on a subject which should be uniform, of course there can be no doubt that Alabama should adopt that law at once rather than wait to be among the last to adopt it.

The work of the conference has been devoted so far to three classes of subjects,—first, and principally, to commercial law; secondly, to procedural law more or less directly affecting commerce, such as the probate of foreign wills, the recognition of foreign acknowledgments, the authorizing of declaratory judgments upon the meaning of contracts and the like; and thirdly, to social law, such as marriage and divorce, child labor, illegitimacy, and the like.

Of the need of uniformity throughout the country of law on the first class of subjects, there can be no doubt, and as would be expected, the uniform Acts on those subjects have been most widely adopted. The uniform Acts which have been provided on the second class of subjects, those procedural in nature, have been less generally adopted, and are generally inconsistent with old local statutes without being greatly beneficial to interstate commerce. So we are not now urging the adoption in Alabama of any of them. So too the exclusively social laws are always more or less doubtful, and their passage would be hard to procure, without producing great benefit from uniformity. So we are not urging but one of them, and that only because it requires no argument to show that it will promote a broader handling of the great social problem of the South.

The uniform Acts which we now urge for adoption in Alabama are the following:

1. The Uniform Sales Act, which was prepared in 1906, with certain amendments recommended by the conference in 1922 to harmonize it with certain later Acts and the Federal Bills of Lading Act known as the "Pomerene Act," which is slightly in conflict. The Sales Act has been adopted by at least nineteen states and territories.

CXXV

2. Three amendments to the Warehouse Receipts Act (which was adopted by Alabama in 1915) to make it harmonize with the other Acts drawn later, and with the "Pomerene Act" above referred to.

3. The Uniform Bills of Lading Act, which was completed in 1910, and has been adopted in at least twenty-two states and territories.

4. The Uniform Stock Transfer Act, which was completed in 1910 and has been adopted in at least fourteen states and territories.

5. The Uniform Marriage Evasion Act, which was completed in 1912 and has been adopted in only five states, but which tends to support us in our efforts to prevent miscegenation, in that it would invalidate marriages made outside Alabama which would be invalid in Alabama if the parties intend to reside in Alabama and go out of the State merely to accomplish a marriage which could not be contracted at home.

6. The Uniform Partnership Act, which was completed in 1914, and which has been adopted in ten states and territories.

7. The Uniform Cold Storage Act, which was completed in 1914, and has been adopted in six states.

8. The Uniform Limited Partnership Act, which was completed in 1915, and has been adopted in six states and territories.

9. The Uniform Conditional Sales Act, which was completed in 1918 and amended in 1920, and has been adopted in several states and territories.

10. The Uniform Fraudulent Conveyance Act, which was completed in 1918, and has been adopted in several states already.

11. The Uniform Fiduciaries Act, which was completed in 1922, and therefore has not yet been adopted anywhere, but which will be undoubtedly popular, because it is designed to relieve persons dealing with a fiduciary from the heavy responsibility of a constructive burden of inquiry into the good faith of the fiduciary, except in cases of knowledge of fraud or personal advantage to the person so dealing.

12. The Uniform Act to recognize the commission and to require the Governor to appoint commissioners to represent the State in the conference.

This bill provides for three commissioners only, and thus aims to have each state represented by the same number of commissioners.

It also provides for an annual payment by the State to the commission of three hundred dollars, to help defray the expenses of the commission, which now are borne by the American Bar Association to the extent that they are not met by the several states.

This expense does not include the expenses of the commissioners going to and attending the annual conference. That is provided for also by many of the states, but the Alabama commissioners do not approve incorporating such a provision in the Alabama law. It would seem better to let the commissioners be selected from among those willing to bear their personal expenses in attending the conference.

Copies of all the above bills accompany this report.

December 1, 1922.

Respectfully,
J. K. DIXON,
THOS. C. McCLELLAN,
HENRY UPSON SIMS,
J. Q. SMITH,
Commissioners for Alabama."

CONSTITUTIONAL CONVENTION

During recent years it has been found that much progressive legislation, badly needed and greatly desired, has been restrained

because of some constitutional limitation or inhibition. This has occasioned the submission to the people for approval at almost every general election of one or more amendments to the Constitution. Some of these amendments have been rejected and some have been adopted. The result is that we now have much confusion and a great lack of co-ordination in the fundamental law of the State. The Constitution with its amendments is a patch work. It should be changed, remodeled and re-written and made an harmonious whole. I shall not undertake to enumerate the many desirable changes, but I mention just one, the benefit of which would be worth to the State in dollars and cents a hundred times the cost of a convention. I refer to the provision of the Constitution requiring the Legislature to enforce uniformity in all classes of taxation. Under our Constitution all property, real and personal, must be taxed at the same rate. The uniform tax system has never worked well in any state. Constitutional provisions providing for uniform taxation are long out of date. Ours should go the way of the others.

I recommend that you submit to the vote of the people the question of whether or not a convention should be held, prescribing in the resolution submitting the question a plan of apportionment of delegates to the convention. If you submit the question, I suggest the creation of a commission composed of, for example, thirty-five citizens of the State, drawn from the worthy members of such groups of our people as the farmers, the business men, the educators, the bankers, the doctors, the bench and bar, the press and organized labor, whose duty it would be to study comprehensively and in detail the provisions of the present Constitution in the light of modern thought and conditions, in order to secure for the people of the State a Constitution best suited to their needs and most conducive to their welfare.

The report of the commission should contain in detail such recommendations as to the continuance, discontinuance or modification of existing provisions, or the adoption of new provisions, as the commission, from its investigations and study, shall deem advisable and proper. It should further contain drafts of proposed changes. The report should be submitted to the Governor and by him transmitted to the Constitutional Convention. It should be made a public document. The services and report of such commission would materially lessen and shorten the work of the Constitutional Convention, and would afford a most valuable basis for the deliberations of that body.

I have suggested in this message several needed amendments to the Constitution. This recommendation for a convention is in lieu of the others.

CXXVII

CONCLUSION

I am not unmindful that incoming legislatures usually look to incoming governors for advice and recommendations rather than to outgoing governors. Nevertheless the foregoing observations and recommendations, based on the experience of four years in the executive office, are offered in the earnest hope and expectation that they will receive from you the same careful consideration that I have given them, whether you accept or reject them. I have proposed, in all that I have recommended, the continuance of a progressive program, a program that calls for the further and continued development and expansion of the activities of the State, especially those concerning education, public health and the care of the unfortunate wards of the State. Underlying that program is the system of taxation. Your predecessors built a splendid piece of machinery for the equalization of tax values. That machine must be preserved and improved if possible, so that sufficient revenues may be secured for the support of our educational and eleemosynary institutions or the execution of all plans for progress will be impossible. There has been financial distress among our people during the last four years but it was not caused by high tax bills. Federal taxes have been high and burdensome, but State taxes are the least of our burdens. Recent statistics show that the per capita burden of taxation is lighter than in any other state in the Union.

If wise counsels do not prevail in this Legislature the whole structure so wisely prepared by the last Legislature will crumble and fall or be so impaired that it will fail of its object.

There will always be the familiar cry "reduce taxes," when assessments are far below the percentage required by law. "Economy"—false economy that saves at the spigot and wastes at the bung—"abolish useless offices and reduce salaries" when there are no useless offices or excessive salaries. These cries may be popular, but, gentlemen of the Legislature, they contain a positive and serious menace to the welfare of Alabama and particularly to her educational and health interests and to the unfortunate and helpless wards of the State. Not only do they threaten those interests but they threaten our agricultural and industrial interests as well. Alabama is a wonderful State—potentially. Providence has been kind to us. Nature was lavish in her legacy of resources. We are rich in fertile lands, in an unsurpassed climate, in minerals, in timber, in navigable streams and water powers, in everything necessary to the making of a great State. On no spot of this earth are the raw materials for manufacture so well assorted, so set apart, side by side, ready for immediate and convenient use as they are in Alabama. It is as though the Creator had chosen this section of His universe for a

test or demonstration of what the brain and the hand of man might accomplish in the working of His materials, selected by Him and set apart by Him for the purpose.

But what avails this rich and rare array of resources if they are not to be fully developed? And fully developed they never will be except through the scientific knowledge and technical skill of our own people—our own boys and girls of today who will be the men and the women and the builders of tomorrow. The agricultural and industrial progress of the State depends upon how we educate these boys and girls. The costliest possession of any state is its ignorance; we learn this from our own experience. The best paying investment of any state is education and knowledge; we learn that from the experience of others. The states that invested in education have reaped rich returns from the investment and they are continuing and multiplying the investment.

Now, the question is, shall we maintain the present progress, increase it or decrease it? The answer lies in what you are going to do with your system of taxation. There is no standing still. We will go forward or backward. If you follow those who preach "government by voluntary contribution" the State will go backward with a rush. The alternative is to stand by the schools, stand by all that makes for the educational, the agricultural and the industrial progress and give to Alabama her rightful place among the sisterhood of states.

Before closing this my last general communication to you I desire to record my appreciation of the action of the last Legislature in sustaining my administration in practically every contest. With two or three not very important exceptions all bills recommended by the administration to the favorable consideration of the two houses were passed and enacted into law. Thus did your predecessors enable me to redeem all the pledges which I made to the people. This is a remarkable record of co-operation of one branch of the government with another branch. For those who made it possible I shall ever cherish the liveliest and warmest sentiments of gratitude and esteem.

I desire to record here a fact which may occasion surprise to some who have professed to believe that undue pressure was brought to bear at certain critical periods. Never at any time nor under any circumstances did I directly or indirectly influence or attempt to influence any vote or support for or against any measure before the Legislature by the use or promise of patronage, by support for or against any other measure or by any other means whatever except only such argument as I was able to advance for the measure under consideration. I make this statement not only in justice to myself but in justice to the members of the Legislature as well.

CXXIX

I desire also to extend my thanks to the various State officers and heads of departments, assistants and employees and the attaches of the executive office for their cordial support and cooperation in the performance of my official duties. Their assistance has greatly contributed to the dispatch of business and has rendered my occupancy of the executive office easier and more pleasant and agreeable than it could have been without it. In my retirement I shall bear them in the kindest and most grateful remembrance.

I should feel as if I had neglected a duty if I failed to make public acknowledgment of the services of the Secretary to the Governor, Mr. W. A. Darden. He has been more than a secretary. He has been an able and faithful counselor and a constant sharer of my burdens. He has been a most important factor in the conception and execution of plans for the betterment of all our eleemosynary and penal institutions, ever alert and zealous for the interests of the State. In the conception, planning and building of the new prison near Montgomery his services have been especially valuable. I have never known a more efficient, loyal or faithful public servant.

In conclusion, I avail myself of this opportunity to express to my fellow citizens my profound gratitude for the honors they have conferred upon me, assuring them of my constant and earnest desire for the advancement of our State in virtue, prosperity and happiness.

THOS. E. KILBY,
Governor.

Montgomery, Ala., January 9, 1923.

GOVERNOR'S MESSAGE.

To the Senate and House of Representatives:

Having full confidence in your fidelity, patriotism and wisdom; we, in assuming our several duties, you as law makers, and I, as Executive, take upon ourselves grave and solemn responsibilities: The peace, prosperity, and happiness of the people of this great State whose servants we are, depend in a large measure upon the laws you enact and the fidelity and faithfulness with which they are executed. We are, therefore, humbled in the presence of this great responsibility that goes with our commission to lead this great State during these days of reconstruction period. We should approach these duties with a feeling of fairness to all, having in mind the good of our commonwealth, and the betterment of our race.

In my opinion, no General Assembly ever convened in Alabama under more favorable circumstances; there are no *party* differences, no bitterness in our ranks, no vital issues upon which we are divided, but Legislator and Executive alike, come with a united people behind them, and your actions and deliberations will be watched with eagerness and expectancy, and hope reigns in the minds and hearts of our people.

We are entering upon duties pregnant with almost Divinely imposed responsibilities. It is indeed a great honor to be called into the service of our State; a great privilege and an opportunity for service to mankind. We assemble at a time when history is to be made. The gigantic conflict of the World War ended it is true, but not without leaving in its wake saddened homes, wounded manhood, national indebtedness, financial systems of other nations destroyed, markets closed to our products, causing our material interests to suffer, and, it is but natural that our people look to their representatives with hope. You are the picked and chosen men of the section from which you come, vested with the sovereign law-making power, and upon you in some degree depends the realization of the hopes of the people whom you represent, and in you they repose implicit trust and confidence; the people have faith in you, and government by representation is a principle not new, and perhaps is the best system in existence. Coming fresh from the people, knowing the people, in sympathy with the people whose confidence you have earned, I feel that you will without fear give expression in the laws you make to their aspirations and their calm and deliberate judgment. When this is done laws

CXXXI

will be respected, laws will be obeyed, and our people contented and happy.

We have gone through a period of distress,—many problems are to be solved economy in government must obtain, duplication and unnecessary expenditures must be prohibited—Tax payers must receive in value what they contribute to government.

I feel confident that you will meet the expectations of those who have chosen you and that you will so legislate as to make every dollar spent bring returns in citizenship:—in developing our rural and farm life, in educating our people, in stamping out disease, in establishing industries, in quieting agitation, and making all classes feel that they are all one Common Brotherhood, and prejudice, selfishness and parsimony are laid upon the altar of our County for the good of all.

My distinguished predecessor, has laid before you the affairs of the State during the past four years. His experience during a period of reconstruction is worthy of your thought, and I commend it to your careful and earnest consideration.

THE WAR

Our State made a record second to no State in the American Union in the World War. From field and shop, from office and bank, from factory and mine, went the flower of our citizenship, and maintained for Alabama her traditions and her history. No braver or more chivalric band than our Alabamians ever marched to marshal music, or shouldered a gun in freedom's name than did the sons of our own State. Many did not return, but they left a history for their people that will live through all the Ages. We owe to those who did return, to take up again the duties of life, every encouragement, every opportunity for their development, for their energies and start them in every field of endeavor that will bring our State to its widest field of usefulness. We should favor them in every possible way and make them feel that a grateful people welcome them back home, believing that they in Peace, as well as war, will measure up to the true standard of manhood, and will, with unity of purpose and action, plant our flag upon the pinnacle of success.

THE BUDGET SYSTEM

The Budget System as created by my predecessor is wise. It should be continued. Economy in Government is as necessary as economy in private affairs. In my opinion, to the present Budget Commission should be added the Examiner of Public Accounts. Before appropriations are made the income of the State should be ascertained and no appropriation should be made in excess of such income. It is obvious that if appropria-

tions are made beyond the income of the State, liabilities incur and indebtedness follows, and taxes are anticipated and certain claims remain unpaid. It occurs to me that we should as soon as possible, ascertain what revenues have been anticipated, what our outstanding claims are unpaid, what monies are in the Treasury, what the revenue of the State will be, and after ascertaining these facts, only make such appropriations as will be within the income. Thus it will be seen that the State will live within its income, and trust funds will not be used for purposes other than those intended. The business of the State is now in your hands; let us get our bearings by knowing definitely our financial status and then apply the remedy. This will enable us to stop waste, duplication, extravagance, and give the taxpayer knowledge of where his monies go.

To this end, I ask that the Legislature obtain from the Budget Commission or such other source as they deem prudent, a statement that will enable them to know what will be available for them to appropriate for the various causes seeking appropriations before action is finally taken.

PUBLICITY OF PUBLIC FUNDS

The tax-payers, as stockholders of the Government, should have accurate knowledge of the receipts and disbursements of all funds. A law should be enacted requiring those in charge of public funds to publish at stated intervals the sums received and purposes for which they were expended. These reports should be made in detail, so that the public might know where every dollar collected is spent and for what purpose. This would in my opinion, keep down criticism.

This should not only apply to State funds, but every County Officer, School Board, Treasurer, Municipal Officer or other person handling public monies should publish in the County paper or other medium of publicity an accurate report and show that the monies collected in his sub-division have been applied as the law directs and then our people would know that their taxes have been properly applied. In addition to the information furnished the people, all officers would be more careful in handling monies, and make equitable distribution of the people's money. All would be careful of extravagant expenditures, would more economically administer the affairs, and make every dollar count.

In addition to this, I believe that after the books of any County Official have been examined by the Examiner that the report of such Examiner should be published, and the people have knowledge of their affairs—both State and County. Too much care cannot be used in handling the Public Money and every safe-guard should be thrown around careless expendi-

CXXXIII

tures. Publicity would cause us all to stop, think and carefully guard our financial system.

SAFE-GUARDING TRUST FUNDS

Certain monies coming into the State Treasury under Constitutional provisions should be held sacred, and be used only for the purposes for which the taxes are paid. For example, the Constitution fixes a millage tax for school purposes. This money, when collected, should be credited to the School Fund and held intact for this purpose, and not borrowed from or used for other purposes, but used solely for that purpose. This might enable us to pay more promptly the poorly paid teachers.

Under our recent Bond Issue Amendment, the Constitution requires all Automobile License be used for the interest on Bonds, the retiring of bonds and construction and maintenance of our highways. Under no circumstances should these funds be used temporarily or otherwise for any other purpose. We cannot too rapidly build highways, nor can we too quickly begin a system of maintenance that will take care of the roads we build. A system should be devised by which all funds directed by the Constitution to be paid for specific purposes, should be held and used *only* for that purpose and any law which permits the temporary use of these funds for other purposes than those fixed by the Constitution, should be repealed, and these funds should not be used for other purposes in anticipation of revenue.

EDUCATION

The most important matter with which you will have to deal is education. While this State has made great strides in the education of our people, much remains to be done in order that every boy and girl may be given an opportunity in life. An educated citizenship is the greatest asset of any Commonwealth. The people of this State have shown their desire for a system of Education that will carry the school to the remotest corner of the State. We now have a State School Tax of three mills levied by our Constitution, a County Tax of three mills, and a District Tax of three mills for our elementary schools and even with this some communities only have a five months school. This should not be. All our schools should be open and free at least seven months in the year.

Every dollar should be made to count, and all duplication and overhead expense and extravagance should be discontinued. We are all committed to Public Education "And no backward step should be taken." For many years since the establishment of the County High Schools by Governor Comer, which marks his

CXXXIV

administration as progressive, under each succeeding administration our educational interests have advanced. We must go forward:—in order to do this, we must economize in every way to guarantee longer terms, ample pay for teachers, proper equipment and buildings.

The first monies spent should be for the education of our people. Our system should be carefully scrutinized, and every unnecessary expense curtailed, every duplication abolished, and from the elementary school to the university, our system should be so related and connected so as to make one harmonious whole. To do this will require exhaustive study, careful investigation, thorough knowledge of the entire system in order to administer the funds to the most possible good.

The beginning of education is in the Elementary school and this should be our first care. The Country School must not be neglected, for from these elementary schools come our High School and College Students, and the better schools, the more pupils, and all in the early life must be given a start. I am informed by our State Superintendent that much more money will be needed in developing our Elementary Schools. Every person should contribute something to this great work. I therefore, recommend, in order to give more money to the Elementary Schools, that a law be passed levying a per capita tax of \$2.00 upon every citizen black and white, male and female, between the ages of twenty-one and fifty years, to be used as a fund to provide seven months school in every School District; that this should be compulsory and that no exception be made except that already made by the Constitution of the World War Veterans, and they are entitled to this and every other consideration we can give them. This fund when raised should be so held and distributed as to give in poorer and remote sections, a school in keeping with more favored communities. This would raise a fund of more than one million dollars for school purposes, and every person would then be a contributor to Public Education.

I believe that every patriotic citizen would gladly pay this amount per annum, whether owning any property or not, if he knew he was carrying to all the people an opportunity to equip men and women for the duties of life. A State's first duty is to develop its citizenship and strengthen its manhood and womanhood and until we realize this, we will not measure up to our duties.

HIGHER INSTITUTIONS

The University, Auburn, Montevallo and our Normal Schools, are in distress for lack of buildings and equipment. Students are knocking at the door clamoring for admission. High Schools

are turning out yearly scores of young men and women seeking admission. Alabama should be second to no State in giving our sons and daughters every advantage. The people have responded recently to the call of the University and Auburn and voluntarily subscribed liberally to a building fund. The needs of these Schools and Colleges are so apparent that we must consider carefully the same, and meet squarely the responsibility. All of these Institutions are now maintained out of the General Fund of the State Treasury. The sources of revenue to this fund, not otherwise appropriated by Constitutional provisions, are meagre, and are approximately, to-wit:—2½ mills ad valorem tax, amounting to \$2,389,752.23. The licenses arising from the Privilege Tax amounting to \$1,910,286.07, miscellaneous sources \$632,315.98, or a total of approximately only \$4,932,354.28. From this fund every Department of Government is now supported. From this fund all appropriations for education not fixed by the Constitution must come. A careful and impartial study of the situation will show that if we appropriated the whole of our General Fund to our Institutions of Learning, it would hardly meet their immediate needs. Some remedy must be applied. Having confidence in the people of this State and their earnest desire to have every boy and girl get an adequate education, and in order to place higher education in the reach of all, it occurs to me that these Institutions will never be properly cared for until we fix a millage tax by Constitutional Amendment of the support of our Higher Institutions of Learning, and forever fixing a policy for their support and maintenance. We have stood for a reduction in Taxes. By this method we would allow the people to pass upon the question of taxing themselves, and it would not be a tax arbitrarily fixed, but the people themselves would have an opportunity to determine the destiny of our Institutions. The needs cannot be met out of the State Treasury. The question is of such grave importance to our people that in my opinion this presents our only remedy. We must meet the issue squarely and provide for these schools and colleges or they will not be able to measure up to their fields of usefulness. I, therefore earnestly urge that a Constitutional Amendment be submitted for a three mill tax,—one half to go to our Normal Colleges and Elementary Schools, the other one-half to go to our higher institutions of learning.

A plan could be worked out by which an equitable division could be made out of funds arising out of such millage tax to go annually to the support of our Elementary Schools, High Schools, the Normal Schools and higher institutions of learning, and they would not be forced to receive a pittance from the General Fund. In order to prevent duplication and extrava-

gance, a law should be passed defining the field of work for each Institution, and in this way bring all Educational Institutions in harmony. There should not be a discordant note in our Educational system,—jealousies and animosities and selfish differences should be eradicated. All our Institutions have one common mother—the State; and it is highly important and greatly to be desired that a system be worked out that will blend in one common whole every school of the State, and leave no room for bickering or discord. There is *need for all* and a great opportunity for all. This system should be worked out without prejudice to any but with the common good of all. My predecessor had a survey made of our educational needs, and it is a matter of record, and I commend the careful study of this to the Legislature and that they may enact a law that will define the scope of every school and thus avoid dissensions, duplications and extravagances; until this is done, we can never determine equitably the needs of each, and after this is done there will be no discrimination.

I believe that a lack of harmony is creating discord, and what we most need is a mutual, definite, defined system, and start all these splendid schools, hand in hand as sisters in our educational system with a complete understanding, giving opportunities to every boy and girl to be equipped in every line of endeavor. When this is done and the people assured of an economic expenditure of their funds I believe they will consent to levy this millage tax to carry on this great work,—a great forward step will have been taken,—a great day will dawn for our citizenship, and a program adopted that will mark a New Era for Education, and our pledges to the people redeemed.

The greatest need of the State is an educated citizenship,—taxes paid out for the development of the race are not misapplied. Let us then with justice and fairness work out this problem of higher education to the end that Alabama will rank with any State in giving ample opportunities to her sons and daughters.

ELEEMOSYNARY INSTITUTIONS

The Alabama Insane Hospital at Tuscaloosa is overcrowded with inmates; the wards of the State must be properly cared for, and all appropriations made for this institution comes out of the General Fund. A new building is just being completed and will soon be open for occupancy. This will call for more money, and the State cannot be derelict in its duty to its wards.

HOSPITAL FOR FEEBLE MINDED

Hard by the Institution for the Insane stands a new building. The first unit of a building for the feeble-minded. This build-

CXXXVII

ing now stands ready for occupancy—hundreds of applications are now on file with the superintendent and yet none can be received until it is equipped and a maintenance fund provided. It is estimated that \$40,000.00 will be necessary to properly equip this Institution and get it ready for occupancy. Until this is done, the building will stand idle, while those seeking admission will still wait. In addition to this equipment, a maintenance fund will be necessary to enable the authorities to care for the inmates. This should perhaps be the first appropriation made, and made as early as possible in order that the building may be made to serve its purpose.

BOYS INDUSTRIAL SCHOOL

In my opinion, the Boys Industrial School at East Lake, Alabama, is doing a splendid work for the State. It has made men of boys whose tendency was to crime and idleness. It should receive our support and its needs carefully studied and provided for. We must prevent crime by saving the boy before he becomes a criminal. I feel that this Institution should be carefully fostered and encouraged. If it can be arranged to purchase land in close proximity at a small cost, it would be money well spent and give employment to the boys in the way of dairying and gardening and raising edibles, poultry, etc., thereby reducing the cost of upkeep. A similar school to this for girls would not be amiss,—although our good women are doing for girls of this class what they can. They do not receive the proper support. The State must not neglect its wayward youth, but should snatch them in tender years from surroundings that produce crime, and fit them for citizenship. Crime can be lessened, morals can be uplifted, homes can be made happier and communities strengthened by caring for the outcast and wayward and training them for honest endeavor.

DEAF, DUMB AND BLIND

The Institution at Talladega deserves and should receive our earnest support; to care for those who have lost their sight, and who are unable to communicate by sound with their fellow men call for our heart-felt sympathy and every care should be taken to give them as far as possible a chance in life and remove as nearly as we can their infirmities.

This institution is doing a noble work and I commend it to your care and earnest consideration. It must be properly maintained and supported, and the best possible advantages given to these unfortunates.

CXXXVIII

STATE HEALTH DEPARTMENT

Next to an educated citizenship comes a healthy people. It is the State's duty to eradicate disease, to provide sanitation for its people and make living conditions the best possible. Alabama perhaps has made more rapid strides along health lines than any Southern State; more has been accomplished in the last few years than ever before in our history. A great program has been prepared by the State Health Officer, and we should carefully study its provisions, and aid as far as possible to the end that our people may be safe from the scourges of preventable diseases and our children can be reared under conditions conducive to good health. I am a firm believer in County Health Officers for each county, and a careful watch kept for preventing diseases and stamping out causes.

CHILD WELFARE

Perhaps no department of Government is doing more services for the State than this department under the able management of Mrs. L. B. Bush. Health reformation and care of the youth are essential. All matters of welfare of the children of this State should be kept under the control of this department. This is one of the State's greatest problems, and we have made some progress in its solution. In Mrs. Bush, this State is fortunate in having one who has a vision and is developing rapidly this important work. After the educational interests have been cared for I commend this and the health of our people to your serious consideration. The plans outlined by the head of this department meet my heartiest approval, as far as the Treasury will permit. And, I invoke your aid and co-operation in an effort to care for our child life.

CONVICT DEPARTMENT

The convict system of any government is of vital importance. I have endeavored to get such information as possible in order to make a definite recommendation. Great improvements have been made in this system during the term of my predecessor. The prison at Speigner has been rebuilt, and is now ready for occupancy. The old penitentiary at Wetumpka has been remodeled and these prisons are now models of cleanliness and sanitation. Perhaps the most commodious and best equipped prison in the South is at Kilby. Through the kindness of my predecessor I have visited with him these institutions. The State has invested more than a million dollars at Kilby prison. The investment has been made, we must therefore utilize it to the best interest of the State. I am not familiar enough at this

CXXXIX

time with the system to make any definite recommendations. I believe however, that in time the Lease System should be abolished and prisoners should be taken from the mines. This can only be done when the State has otherwise made provision for the convicts where they will not be a liability on the State. I am not convinced that such a time has arrived and would therefore recommend that the time be extended for taking the prisoners out of the mines until such time as the Governor and the Convict Board determined that it could be done without liability to the State for their upkeep and maintenance, and until provision could be made for their proper employment and confinement. Whether the present situation would enable us to do this or not, I am unable to say, but I am convinced beyond question that it could not be done at this time without enormous expense to the State, and loss of revenue to the treasury. The demands on the State are so great, in our vision for the education, the health, and the welfare of those who are not convicts that we are unwilling to take from a treasury that is now unable to meet these demands, and thus aid in preventing crime, and transfer it to the convict to be merely a ward of the State and receive no punishment other than confinement.

The convict should be kept busy and his labor should bring some revenue to the State, and I would favor a part of his earnings, if he left a destitute family, to go to them, that they might not be a burden to the tax paying public and an object of charity—dependents upon the State and County whose laws the convict has violated. I would favor and do now favor the abandonment of the lease system as soon as practicable, but not having had an opportunity for proper and careful investigation I cannot offer a definite plan for the solution of this question; until such investigation and plan can be intelligently worked out without embarrassment to the State Treasury and the demands of the tax payer, I ask that you at least continue the present system until we can evolve a plan and have it ready for operation, when such lease system does terminate. For that reason, I make the recommendation above set out. I will endeavor at your second session to make further recommendations. I further recommend the appointment of a special committee from your body to inspect these institutions, investigate thoroughly, and with the Governor, make recommendations at the Adjourned Session.

TAXATION

In order to carry on Government, revenue is necessary, and the demands on the State are greater than ever before. The people have been promised relief from excessive tax burdens. Property now on the Tax Books have been carrying the burden

CXL

for years and some plan must be adopted by which the taxes on property presently taxed can be reduced. In order that this can be done certain exempted property should be placed on the Tax Books and required to share its part of the burden.

Equality in taxation is fundamental, and while much has been done in this line, much remains to be done. A careful study of Tax Assessments for the current year will show that our pre-election promises to reduce taxes has been complied with and that the income will be much less than that of the year preceeding. However, as far as possible, our people should be relieved of excessive taxation. This can only be done by requiring property not heretofore taxed, to be placed on the Tax Books and the following new subjects of taxation be required so that the values now on the Tax Books may be reduced.

1. All property, now exempted by special laws, whether of individuals, except cemeteries, schools, and public buildings, churches and Eleemosnary Institutions,, and certain necessary household goods, poultry and possibly a cow and calf, should be taxed.

2. Stocks and bonds, hoarded money and solvent credits, should be taxed.

3. The privilege tax on mortgages should be increased, and required to be paid annually where the life of the mortgage is more than one year.

4. A compulsory per capita tax for Elementary Schools.

5. A tax on gasoline for maintaining our public roads.

With these additional taxes levied on property not now taxed and which has been exempted for years, I believe the present values could be somewhat reduced on property now being assessed without materially diminishing the revenue of the State. In order that equalization in taxes may obtain, I recommend that the State Tax Commission be retained with one additional member to look after Automobile Taxation. And that power be given the Governor and Commission to employ experts as may be needed to check up the Assessors and see that the equalization obtains. I recommend the abolishment of Tax Adjusters, and the Tax Assessors be required by law to perform all the duties incident to the assessment of taxes under the State Tax Commission. That no Tax Assessor or Collector be allowed to succeed himself in office, and that the taxes be equitably and fairly assessed as provided by law and subject to review and revision by the Tax Commission,—the tax payer having the right of appeal.

In order that no injustice may be done by any Assessor or Collector, I suggest that the terms of those now having office be extended two years,—at the end of which term they be in-

eligible to succeed themselves. And, if necessary, a clerk be employed to assist them in their duties.

In the matter of License Inspector, I recommend that the Tax Commission appoint with the approval of the Governor, a Deputy or Deputies as may be necessary, to be paid a salary, whose duty it shall be to look after delinquent licenses, and be a part of the law enforcement organization; thus each County, (or in smaller counties combined, two or three) would have a law enforcement officer. That all fees and penalties arising from delinquent or escape licenses to go into the State Treasury. In this way, a considerable sum would go into the State Treasury, and an all time officer would be attached to the sheriff's office to aid in the enforcement of law.

AGRICULTURE

Alabama is essentially an agricultural State. Most of our people make their living by tilling the soil. The success of all business and the progress of our civilization rest upon a contented, happy and prosperous farming people. Rural life should be made more attractive and farms more productive. There should be better marketing for farm products and better facilities for getting to market.

The platform of the Democratic State Convention of last Summer gave deserved emphasis to the training of agricultural research, extension work, soil improvement, cooperative marketing, farm credits, and inspection work of various kinds.

For the past twelve years legislatures have given sympathetic consideration to research and extension work. Beginning in 1911, the legislature provided \$25,000 per annum for farm demonstration work. Concurrently an act was passed appropriating \$27,000 per annum for agricultural experiment work, following in the wake of the appropriation of \$30,000 per annum by the Federal Government years ago for similar work. In 1915 the legislature made additional appropriations for extension work, in co-operation with the Federal Government, under the terms of the Smith-Lever Act, until today a sum approximately a half million dollars (\$500,000) annually is available from federal, state and local sources for experimental and extension work in agriculture. Yet, the State has done no more than it ought to have done. As its resources permit, it will be glad to do more. The passage of the millage tax, as set forth elsewhere in this message, will increase its power to render yet greater service.

I recommend (1) that provision be made to meet the Smith-Lever federal appropriations for extension work; (2) that the federal appropriation to experimental work be supplemented from time to time as resources may be made available; (3) that,

CXLII

so far as practicable, the work of county farm and home demonstration agents in the several counties be made compulsory and permanent; (4) that our marketing laws be carefully studied with a view to such changes as will facilitate the organization of cooperative commodity marketing associations; (5) that all inspection work and enforcement of agricultural laws be done at the State Capitol as a part of the work of the State Department of Agriculture as recommended by the incoming Commissioner of Agriculture; (6) that the State Board of Agriculture be authorized and empowered to sit in an advisory capacity with the Commissioner of Agriculture and Industries in making rules and regulations regarding regulatory and inspection work, with the restriction that all fees derived from such work shall be fixed by statute and shall be paid into the State Treasury to be disbursed or appropriated item by item, as heretofore, by Acts of the Legislature. It is clear that whenever fees are exacted from the public or whenever public money is disbursed or appropriated, there should be definite statutory authority. Such authority alone will suffice to safe-guard the public interests.

LAW ENFORCEMENT

Laws are made to be obeyed. All laws should be rigidly enforced and the Governor is responsible for such enforcement. Every power should be given to see that laws are enforced. As far as possible, this should be done locally, but there should be a force to see that there is a rigid enforcement of all laws; to this end it should be left with the Executive as to what force is necessary for the State to maintain in order that proper co-operation may be given to local authorities.

SABBATH OBSERVANCE

Commercialization of the Holy Sabbath should be prohibited. By law all business, games and amusements where admission is charged and the Sabbath desecrated should be stopped. Providence will smile upon the people who "Remember the Sabbath day to keep it holy."

WORKMEN'S COMPENSATION ACT

There has been no piece of social legislation in recent years of more importance than the Workmen's Compensation Act. Its importance to the employer as a means of reducing and almost eliminating litigation for injuries to employees is recognized. It is a factor in promoting more cordial relations between employer and employed, which should be earnestly encouraged. It

CXLIII

is a step toward according justice to the unfortunate injured or his dependents in not requiring him to assume the entire hazard of the employment and nearest of any known or developed experiment in the humanitarian principle of government; the public is thus in large measure protected against further increase in its quota of helpless dependents.

The Legislature of 1919 enacted a Compensation Law that has been in operation for the past four years. Experience has demonstrated the necessity of its amendment. The present law provides supervision or administration upon the Circuit Judges an additional burden almost impossible of thorough accomplishment. However conscientious the Judge, yet it is a physical impossibility to make the complete investigation of many cases, consonant with the desired social and altruistic purposes of the law. It would now appear as the law is administered that it is secondary in importance and but a side issue to the Judicial Department of the State Government. More than 12,600 of the citizens of Alabama are subject to the provisions of the Compensation Act, too large a proportion for this economic and social welfare to be on secondary consideration.

The experience of other States, where the law has been longer in force, has demonstrated the wisdom of its administration by a separate body. Therefore, I would recommend to the Legislature the creation of an Industrial Commission to be appointed by the Governor for such term as it is deemed wise, a chairman and two associate members, at such salary as you deem commensurate with the importance, of the service to the State. The expenses of the Commission should be provided for in the Act, and should not be paid from the present income of the State or out of the State Treasury, but should come from fees from those who have matters before the Court. And this Commission should be made self-sustaining.

There are many features of the present law deserving in some instances of radical amendment too numerous to include in this message. I would commend to the Legislature for its information and careful study the provisions of the Ohio law relative to the establishment of the Commission and its duties of administration. This law seems to have met the situation. I am informed meets the general approval of all classes.

DEPARTMENT OF ARCHIVES AND HISTORY

The history and traditions of a people should be preserved, and under Mrs. M. B. Owen's management this is being done in the Department of Archives and History. Her department is crowded, corridors and cellars full of important documents and files that are a part of Alabama's history. She is handicapped

CXLIV

in her work by lack of room. How to remedy this is one of your problems. She will probably present to you plans for the future, and I commend to you her plans and ask a most careful investigation. I request that you cooperate with her, and preserve for future generations the history of our people.

REGISTRATION LAWS

Our Registration Laws are expensive and cumbersome. Many of our citizens are prevented from voting because of their inability to register. The law now provides for three Registrars in each county. Why pay three? Where one could do the work. If it can be done constitutionally, I would suggest that this work be done in the office of the Probate Judge. He is responsible for the official voting list, and now practically duplicates the work of the Registrars. This would enable the Registration Books to be open at all times, and any person qualifying for registration could then conveniently register. There might be some objection, or constitutional prohibition to this system. In that event, I would recommend the abolition of the Board as now constituted and the number reduced in order to save unnecessary expense, and require more frequent registration. In most counties one Registrar could easily do the work.

PORT AMENDMENT

The people of Alabama by almost unanimous consent at the polls decided that the State of Alabama should lend its credit to the building of a Port for Alabama at Mobile. Our people have great hope in this development. To my mind, this is the most important legislation with which you will have to deal. The people have been promised returns on their investment. You will be charged with passing the enabling Act carrying into effect the Constitutional enactment. I, therefore, recommend that careful study be given to this important matter, and every restriction thrown around the expenditure of these sums, to insure the people that there will be no default in payment of bonds and interest. Every detail of this Act should be carefully studied, every caution taken to prudently expend these monies, and the best business men of our State should be charged with the grave responsibility of furthering this enterprise. We cannot hurriedly go into this. I therefore, recommend that you appoint a Committee to confer with the Harbor Commission, the Governor, and such experts and business men as they may agree upon, to bring to you recommendations to the end that we may safeguard the public interests, and the State's Treasury.

CXLV

In my judgment, a great day will dawn for Alabama when this port is completed. Every section will be benefitted, and the product of field and mine, of mill and factory, will cause our industrial life to throb with new energy. New markets will be opened,—transportation will be cheapened, and all our people will feel its benefits. We should not delay the matter unduly,—but every care should be taken to the end that the people will be assured that the matter is being carefully and properly handled.

The Harbor Commission has been active and diligent in securing data, and have submitted a tentative bill which should be carefully considered in detail. Let no Act be passed that might be unconstitutional, and every care should be taken in its enactment where the bond issue would not be questioned, or the right of the State to lend its credit be doubted. This problem is ours; let us meet it thoughtfully, prudently, with the best advice obtainable.

STATE HIGHWAY DEPARTMENT

Good roads are essential to our advancement. The Federal appropriation, together with our bond issue for good roads, should bring results. Every dollar should be made to count, and the law should be complied with connecting county sites.

Too many surveys are made and too few roads built. Overhead and useless expense should be prohibited, results should be obtained, roads should not be built for political reasons, but where they can best serve the public.

In my opinion, the State Highway Commission, as now composed, is "top-heavy". While the members are honest and conscientious, and are moved by patriotic motives, they naturally represent their own sections, and each has his own idea of what ought to be done, and as a consequence confusion arises and no definite plan is fixed. So far as I know they are all good, capable, honest and patriotic men, trying to serve faithfully their respective constituencies. Therefore, it is not the personnel of the Commission to which I object, but the system itself. A much smaller Commission with their duties *defined* would in my judgment get better results and our roads more rapidly built. I, therefore, recommend that you enact a law creating a Commission of only three, and certainly not more than five, composed of a chairman and two associates, and their duties defined; that the chairman give bond for the discharge of his duties and be at his office daily, and have charge, with his associates, of all road building; that no expenditures be made without the approval of the Commission and the Governor; that the Commission be required to make quarterly reports for their actions,

CXLVI

showing miles of road constructed, the cost of same in detail: That no engineers be employed without the consent of the Commission and such only as are necessary for the projects in hand; that the overhead expense of the Commission be limited as far as practicable, to the end that the monies may be applied to road construction; that the Commission employ a chief Highway Engineer, who shall devote his whole time to the work, and who shall be associated with the chairman at the central office under the supervision of the chairman and Commission.

I further recommend that a tax be levied on gasoline and covered into the State Treasury, to be used as a maintenance fund for the upkeep of the roads built. This money to be expended only upon the requisition of the chairman, approved by the Governor, for maintenance and upkeep, and an itemized statement of such expenditure be filed with the requisition. And, if all of such tax is not required for any one year for this purpose, it be covered into the State Treasury.

NATIONAL GUARD

The National Guard of a State is the Executive's strong right arm. In the enforcement of law, in keeping down invasion, in protecting the weak, they are needed in Government. The National Guard of Alabama "Carries no flag that does not think of Alabama's welfare, no bayonet that does not salute her Civil Power."

The flower of our young manhood compose this organization, and they have always answered their country's call. I commend them to your support in whatever is deemed essential for their efficiency and proper support.

COURTS

In many counties of the State the Fine and Forfeiture Fund is exhausted, and jurors and witnesses attending court are not promptly paid. Speedy trials would enable us to save much money and aid in the prompt enforcement of law.

Courts are frequently prolonged and jurors and witnesses held over pending the settlement of pleadings, etc., before the matter is at issue. It would be wise to formulate a plan by some rule of procedure approved by the Supreme Court, where all pleadings and preliminaries would be settled in advance of the trial of the case, and thus prevent jurors and witnesses having to attend sessions of the court pending these matters, and thereby save considerable expense.

It might also be well to consider a plan by which all fines, forfeiture and costs, be paid in money, instead of county script or other paper.

CXLVII

CONSERVATION

The suggestions recently made by Hon. E. F. Allison of Bel-
lamy, Alabama, lumberman and game conservationist, is worthy
of serious consideration. Much of the cut over lands which are
going to waste could be made to produce timber for future gen-
erations. Forest fires that destroy growing timber should be
prohibited, and the conservation of these natural resources
should be made a careful study.

The splendid work of Mr. Allison in conserving the game life
of our State deserves commendation, and Alabama owes him a
debt of gratitude.

Looking to the future he sees possibilities untold in our cut
over and wasting lands. We are not only legislating for today,
but for the future, and a programme of conservation along the
lines suggested would bring developments of value. The Com-
missioner of Conservation is working upon plans to this end,
and it might be well for you to appoint a committee to confer
with him and Mr. Allison and others familiar with this sub-
ject, and evolve a plan that will conserve this God-given re-
source, thereby prevent waste and useless destruction, and bring
back the cut over lands to usefulness and conserve for future
generations what we now enjoy.

Alabama owes to the late John H. Wallace, a debt of gratitude
that cannot be paid. He conceived our Game and Fish laws;
he put into execution these laws, and started our Commonwealth
in the great work of conserving our wild life of fish and game.
We should follow his work up and continue to protect and fos-
ter conservation of all those things that add to our happiness
and prosperity. His successor is furthering this great under-
taking and is endeavoring to work out plans that will perpetuate
and enlarge conservation of all our resources. We should co-
operate as far as possible with him in this work.

ABOLISHMENT OF OFFICE

I recommend the abolishment of the State Board of Control
and Economy.

I recommend the abolishment of Tax Adjusters, and all un-
necessary Tax Agents.

I recommend the reduction of the number of Registrars.

I suggest that you appoint a committee to investigate every
department of Government, ascertain the number of employees,
the salaries paid, and make recommendations abolishing all un-
necessary assistance, all duplication of work not inconsistent
with efficiency and service. The salaries of State Officials and
employees should not be in excess of salaries paid for like serv-
ice in private business, and a careful investigation should be
made and salaries reduced where the service rendered does not

CXLVIII

demand the salary now fixed. Economy in administering Government has been promised the people, and I am sure every State Official will co-operate with you in making the administration of his office to the minimum cost of service.

I urge that no appropriation be made at this session, except for the Institution for Feeble-minded.

CODE

The Codifier of our State laws will make his report and the new Code is to be adopted. I therefore, recommend that you appoint a Committee to report on same.

It will therefore be necessary for you to adjourn for this purpose—

ADJOURNMENT

In order to save an extra Session of your body, I recommend that you adjourn in the next ten days to meet again in April, if possible. That during your adjournment you appoint a committee:

A. To confer with the Budget Commission and ascertain the financial status of the State.

1. Its outstanding indebtedness.
2. Income that has been anticipated.
3. Income available.
4. Fixed charges of State.
5. Amount available for appropriation.

B. A committee on code.

C. A committee on investigation of all departments and cost of same and reducing fixed expenses, if possible.

No appropriation can be made without partiality until we ascertain definitely what is available. I will approve no appropriation except that for the Institution for the Feeble-minded (and that only for the reason that the building is now idle and unoccupied) until I have ascertained what is available, and have provided for Education to the end that no "backward step be taken" in the education of our people.

Only necessary legislation should now be enacted.

CONCLUSION

Our duties, while not the same, are so closely related as to be akin and can best be performed when perfect harmony prevails. I have no desire to dictate to you, but to co-operate with you. I shall endeavor to maintain the relations which now exist unbroken. We were elected by a re-united people upon the same

CXLIX

platform. Feel at liberty, each of you, to counsel and advise me. You are at liberty to call at any hour, day or night, and call upon me for any information that I have or can obtain that will aid you in your task. May we then, gentlemen, hand in hand, with unity of purpose together so act, that when our duties are ended, we can hear from all our people the approbation, "well done, good and faithful servant."

WM. W. BRANDON,
Governor.

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SESSION OF 1923

GENERAL LAWS

No. 1.)

(S. J. R. 6. Jones of Barbour.

SENATE JOINT RESOLUTION.

Relative to extending to Paderewski, former head of the Polish Government, an invitation to address the Legislature of Alabama in Joint session, on the day of his arrival in the City of Montgomery at 12 o'clock, noon.

WHEREAS, The former head of the Polish Government, Paderewski, will soon visit the City of Montgomery,

BE IT RESOLVED by the Senate the House concurring, that this distinguished Patriot be invited to appear and address the Legislature of Alabama in Joint Session upon the day set for his visit to the City of Montgomery, at the hour of twelve, noon.

Approved Jan. 19, 1923.

No. 2.)

(S. J. R. 21. Craft.

SENATE JOINT RESOLUTION.

Relative to the Legislature of Alabama extending an invitation to Admiral Benson, Senator Chamberlain and the Honorable Frederick I. Thompson, of the United States Shipping Board, to address in Joint Session, the Legislature of Alabama, at their earliest convenience, on the benefits of a Merchant Marine of a ship subsidy, to keep the American flag afloat on the seas of the world. And that this Resolution be sent by the Governor to the above named gentlemen.

WHEREAS, the people of the State of Alabama should be more fully informed and acquainted with the benefits to be derived from a merchant marine;

THEREFORE, BE IT RESOLVED, that the Senate, the House concurring, do hereby extend a cordial invitation to Admiral Benson, Senator Chamberlain and the Honorable Frederick I. Thompson, of the United States Shipping Board, to address the joint session of the Legislature at their earliest convenience on the important question of the benefits of a Merchant Marine and the economic good to the State of Alabama and the people of America of a ship subsidy to keep the American Flag afloat on the Seas of the World, and that the said resolution be forthwith

sent to the House for immediate concurrence and that the Governor of Alabama is hereby requested to transmit these resolutions to the above mentioned gentlemen.

Approved January 19, 1923.

No. 3)

(S. J. R. 33—Randall.

SENATE JOINT RESOLUTION.

Relative to the commemoration, on this the 19th day of January, 1923, the birthday of General Robert Edward Lee.

WHEREAS, this day January 19th, 1923 is the one hundred and sixteenth birthday of General Robert Edward Lee, peerless Christian gentleman and chivalrous soldier,

And Whereas, the people of Alabama through their representatives have set apart this day each year as a legal holiday, be it resolved by the Senate, the House concurring, that we take this opportunity:

First, to re-affirm our belief in the principles of States rights, in defense of which this great soldier and patriot drew his sword and thousands of loyal Alabamians staked life and fortune.

Second, to proclaim our unqualified admiration for the noble qualities of character and the military abilities of General Lee; a native of Virginia, son of "Light Horse Harry Lee", a founder of the Republic; great-great grandson of Martha Washington; an honor graduate of West Point; a skilled engineer, in strategy a genius; hero of the Mexican War in which he won promotion by remarkable feats of physical and moral courage, and was pronounced by Gen. Scott, his commander-in-chief as "the greatest living soldier in America"; Commander-in-chief of the armies of the Confederate States of America;

Third: To point to his patience and forbearance under all circumstances; his humane qualities in peace and war; his steadfast refusal to capitalize a people's love for personal gain when the fortunes of war had left him a defeated commander, though a triumphant and idolized hero; an example without parallel in the history of military leaders.

Fourth, in consideration of the foregoing be it resolved that the members of this body, pause in their deliberations, rise, and in a moment of silence, re-dedicate ourselves as men and public servants to a fuller performance of our obligations.

Approved Jan. 25, 1923.

No. 4.)

(S. J. R. 26. Hildreth.

SENATE JOINT RESOLUTION.

Relative to the appointment of Judge William I. Grubb to the membership of the Supreme Court of the United States.

WHEREAS a vacancy now exists in the membership of the Supreme Court of the United States caused by the retirement of Justice Pitney;

AND WHEREAS we regard Judge William I. Grubb, presiding over the Northern Alabama Federal Court, as one of the great outstanding figures of the Federal Judiciary, possessed of every qualification of mind and character, requisite for the duties of the Supreme bench:

THEREFORE, BE IT RESOLVED: That the Senate of Alabama, the House concurring, does hereby earnestly urge the President of the United States to appoint Judge William I. Grubb to fill the said vacancy on the United States Supreme Court. And the Secretary of State is hereby requested and directed to transmit forthwith a copy of this resolution to the President of the United States and to each member of the Alabama delegation in the Senate and House of Representatives of the United States.

Approved Jan. 25, 1923.

No. 5.)

(S. J. R. 35—Garth.

SENATE JOINT RESOLUTION.

Relative to the abolition of the office of Tax Adjuster of the several counties in Alabama.

WHEREAS, the question of abolishing the office of Tax Adjuster of the several counties in Alabama was made a campaign issue in the last election, both as to Legislative and Executive offices, and

WHEREAS, practically all candidates for office in the last democratic primary pledged the people in the event of their election said office would be abolished, and

WHEREAS, under the existing law the Tax Adjusters are now actively engaged throughout the State in fixing values upon property, and will on the first Monday in May file with the several Tax Assessors valuations as fixed by them, and after three weeks notice given by the Tax Assessors, the said Adjusters will meet in the several counties of the State on the first Monday in June, at which time all of said valuations will be made final, and

WHEREAS, upon making the valuations final upon real estate, said valuations remain the assessed values for the next two years, and

WHEREAS, if action is not taken by the Legislature before recessing to a later date the tax payers of Alabama will be deprived of the relief promised them in campaign pledges,

THEREFORE, BE IT RESOLVED by the Senate, the House concurring, that it is the sense of the Legislature that it remain in session and not adjourn more than three days at a time until the office of the Tax Adjuster in the several counties is abolished and their duties placed upon the several Tax Assessors and Boards of County Commissioners or Boards of Revenue of the several counties, and thereby carry out the pledge made to the people of Alabama.

Approved Jan. 23, 1923.

No. 6.)

(H. J. R. 14—Culver.

HOUSE JOINT RESOLUTION.

Relative to a joint committee from the Senate and the House of Representatives to consider and recommend the per-diem and mileage which members of recess committee shall receive.

Resolved that a joint committee from the Senate and the House of Representatives of the Legislature of Alabama is hereby authorized to consist of two members from the Senate to be appointed by the President of the Senate and of three members from the House to be appointed by the Speaker of the House, which shall consider and recommend to the Legislature the per diem and mileage which members of the recess committees of the Legislature shall receive.

Approved Jan. 26, 1923.

No. 7.)

(H. J. R. 17—Kilpatrick.

HOUSE JOINT RESOLUTION.

Relative to requesting the Alabama delegation in National Congress to oppose any effort to repeal any of the present Federal laws restricting immigration into the United States, and further requesting the Alabama Senators and Representatives to support all measures forbidding immigration until plans can be formulated for a definite plan for the protection of America against aliens who are not in sympathy with American ideals.

WHEREAS, the continued admission of undesirable immigrants into the United States under the operation of our present laws, taken in connection with the vast number of unnaturalized and un-assimilated persons heretofore admitted through lax laws, constitutes a vital and growing menace to American institutions and American ideals; and,

WHEREAS, if this menace is not checked it will eventually undermine and destroy respect for law, orderly government, every patriotic impulse and the loyal character of American citizenship as well as disorganize our industrial and economic structure and ought, therefore, to be the concern of every true American; now, therefore,

BE IT RESOLVED by the House, the Senate concurring, that the members of the Alabama delegation in the National Congress be requested and urged to oppose with all their power any effort to repeal any of the present Federal laws restricting and limiting immigration;

AND BE IT RESOLVED FURTHER that the Alabama Senators and Representatives in Congress be urged and requested to support all measures which will suspend and forbid all immigration for such period of time as will enable the formulation of a definite and constructive plan for the protection of America against the dangerous influx of aliens who are not in sympathy with American ideals and institutions.

RESOLVED FURTHER that the Clerk of the House forthwith forward a copy of this resolution to the Senators and Representatives in Congress from Alabama.

Approved Jan. 26, 1923.

No. 8.)

AN ACT

(H. 16—Tunstall.

To provide for the appointment of a joint committee to read and revise the manuscript of the New Code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created a joint committee to be composed of the Lieutenant Governor and three Senators and the Speaker of the House and five other representatives, who are hereby authorized and required to read, during the recess of the legislature the whole manuscript of the new code, as prepared by Hon. James J. Mayfield.

Section 2. The committee shall revise, amend, and correct the manuscript so as to make it a harmonious body of law, as nearly perfect as possible, and in doing this, they shall keep

correct minutes of their proceedings, to be signed by the chairman of the committee, and returned with the manuscript, so that their amendments and corrections may be correctly incorporated in the published code.

Section 3. The committee shall have authority to employ two clerks, one of whom must be a skillful stenographer and who shall receive not exceeding eight dollars a day, and another who must be a competent, well qualified law clerk, who shall receive not exceeding five dollars a day. The members of the committee shall receive ten dollars per day and the same mileage allowed by law to them as members of the legislature. The pay of members of the committee and clerk shall be for the whole time they are actually engaged in the work for which they are appointed, provided they do not take any recess longer than two days at a time.

Section 4. The chairman of the committee shall certify to the Auditor, the amount due the members and clerks of the committee, who must draw his warrant therefor on the State treasurer.

Section 5. The Governor will designate some comfortable room in the capitol and have same suitably furnished and well lighted for the use of the committee, and the Secretary of State will furnish all necessary stationery or things required by the committee.

Section 6. The joint committee shall codify and incorporate in the manuscript code, all general Acts passed by the legislature at this session.

Section 7. The Secretary of State shall have printed, in pamphlet form, one thousand copies of the report of Commissioner James J. Mayfield, showing the changes and corrections made by him for the use of the legislature.

Section 8. Any vacancy occurring in the Senate membership of the committee shall be filled by the president of the Senate, and any vacancy occurring in the house membership of the committee shall be filled by the Speaker of the house.

Approved Jan. 31, 1923.

No. 9.)

AN ACT

(H. 5. Walton.

To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

Be it enacted by the Legislature of Alabama: That Section 8 of "An Act to provide for the employment of State convicts in

mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919," be and is hereby amended so as to read as follows:

Section 8. That on and after March 31st., 1927 it shall be unlawful for any person to lease or let for hire any State convict to any person, firm or corporation, and any person, firm or corporation found guilty of a violation of this section, shall be punished at the discretion of the jury by a fine not to exceed \$5000.00 or by imprisonment for not more than five years. Nothing in this act shall prevent the Highway Department from working convicts on the public roads. Provided however that the Governor, as soon as suitable quarters and employment can be provided for the convicts, and the finances of the State can be so readjusted as to permit of the same, shall discontinue the lease system; and provided further that the Governor shall in his discretion remove portions of the convicts from lease employment as rapidly as said provisions therefor can be effected.

Approved Jan. 31, 1923.

No. 10.)

AN ACT

(S. 9—Brower.

To amend Section 6032 of the Code of Alabama.

Be it enacted by the Legislature of Alabama, That Section 6032 of the Code of Alabama be amended so as to read as follows:

6032. How plat vacated and annulled in part. Any street or alley dedicated by any map, plat or survey, whether such map or plat be executed and recorded as provided in Section 6028 and 6029 of the Code or not, may be vacated in whole or in part by the owner or owners of the lands abutting the street or alley (or that portion of the street or alley desired to be vacated), joining in a written instrument declaring the same to be vacated, such written instrument to be executed, acknowledged and recorded in like manner as conveyances of land, which declaration being duly recorded, shall operate to destroy the force and effect of the dedication by the map, plat or survey, and to divest all public rights in that part of the street or alley so vacated. If any such street or alley is within the limits of any municipality, the assent of the Mayor and Aldermen or other governing body of the municipality, must be procured, evidenced by a resolution adopted by such governing body, a copy of which certificate by the Clerk or ministerial officer in charge of the records of the municipality must be attached to, filed and recorded with the written decla-

ration of vacation. Convenient means of ingress and egress to and from their property shall be afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey, either by the remaining streets and alleys dedicated by such map, plat or survey, or by any other street or alley being dedicated. If such street or alley is being used as a public road, and outside of any municipality, the assent of the board of revenue or court of county commissioners of the county in which the property is situated must be procured, evidenced by resolution adopted by such board or court, a copy of which, certified by the chairman or president or other head thereof, must be attached thereto, filed and recorded with the declaration of vacation.

Approved Feb. 1, 1923.

No. 11.)

(H. 83—Goode.

AN ACT

To make an appropriation for the control and eradication of Tuberculosis, Hog Cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from monies in the state treasury, not otherwise appropriated, seven thousand five hundred (\$7,500.00) dollars to be available from the first day of April 1923 to the first day of October 1923. Said appropriation shall be used for the purpose of controlling and eradicating tuberculosis, hog cholera, glanders, and all other infectious or contagious animal diseases and the material or things that may spread or carry the cause of such diseases of live stock. Said appropriation shall be used by the Live Stock Sanitary Board according to the laws and regulations providing for the control and eradication of infectious and contagious diseases of live stock and of the cause or causes of such diseases.

Approved Feb. 3, 1923.

No. 12.)

(H. J. R. 16—Culver.

HOUSE JOINT RESOLUTION.

RESOLVED, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of two members from the Senate, to be appointed by the President of the Senate and three members from the House, to be appointed by the Speaker of the House,

which shall sit during the recess of the Legislature for the consideration of educational matters.

2. It shall be the duty of the committee to investigate the educational institutions and educational system of the State of Alabama, and to secure information and facts necessary to enable such committee to suggest such changes relative to educational matters in Alabama as is necessary to secure a practical and efficient educational system.

3. The members of the committee shall be paid the same per diem and mileage as provided by the present Legislature for recess committees and shall have authority to visit such educational institutions of the State as it deems necessary for a proper investigation of educational affairs; said committee shall also have authority to employ one clerk or stenographer who shall receive such compensation as may be agreed by the chairman of said recess committee and the Governor of the State of Alabama. The Committee shall also have power to summon witnesses to examine the books and papers of teachers, the educational department and educational institutions and shall have such other power as may be necessary to make a full, complete and detailed investigation of educational matters in the State of Alabama.

4. It shall be the further duty of said committee to consider all bills and resolutions introduced into the Legislature in reference to educational matters in the State of Alabama and to submit a recommendation as to what action should be taken thereon, in view of the facts and informations secured by said committee by reason of its investigation.

5. The committee is hereby directed and required to make a full and detailed report of its investigations and findings to the Legislature, together with such suggested bills and resolutions as the committee may consider proper for the best interest of the educational system and the educational institutions of the State of Alabama. The committee may cause its report with the consent of the Governor to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

Approved Feb. 3, 1923.

No. 13.)

(H. J. R. 15. Glenn.

HOUSE JOINT RESOLUTION

RESOLVED by the House, the Senate concurring, that, whereas, a vacancy has occurred in the office of Secretary of the Interior, under the national Government, and,

WHEREAS, the Honorable Alfred A. Taylor, Governor of the State of Tenn., whose term of office as such has just expired, has at all times manifested a keen interest in the development of our national resources and industries; and, whereas it is our judgement that, while Governor Taylor has been a life long republican, he is a broad-minded American, with a national scope of vision, and that he would administer with credit and satisfaction to every section of our country the duties of the office:

Therefore, be it resolved, that we respectfully commend to the President of the United States the Hon. Alfred A. Taylor for appointment to the office of Secretary of the Interior.

Be it further resolved that a copy of these resolutions be transmitted to the President of the United States.

Approved Feb. 5, 1923.

No. 14.)

(H. J. R. 27. Coleman.

HOUSE JOINT RESOLUTION

WHEREAS, there lives within the borders of the State of Alabama an illustrious Democrat, statesman and patriot, who is worthy of any honor that could be bestowed upon him, either state or national,

Therefore, be it Resolved by the House of Representatives of the State of Alabama, the Senate concurring, that we do hereby endorse Honorable Oscar W. Underwood of Birmingham, Alabama, as our choice for President of the United States and urge that he be made the standard bearer of the next Democratic National Convention.

Approved Feb. 3, 1923.

No. 15.)

(S. 10. Brower.

AN ACT

To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue, or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the municipal authorities of the city within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such municipal authorities and to

relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

Be it enacted by the Legislature of Alabama:

Section One. That each and every change in location or vacation or attempted vacation of any street, avenue or alley or any part thereof by the owner of the lands upon which such street, avenue or alley is located, when such vacation or change of location when made, was assented to, acquiesced in or authorized by the municipal authorities of the City or Town within which such street, avenue or alley was, or is now located, or which has been, or may be hereafter ratified or confirmed by such municipal authorities, be and the same are, and each of them is hereby validated, ratified and confirmed and all rights of the public in such street, avenue or alley, or part thereof so vacated or attempted to be vacated be and the same are hereby relinquished and abandoned.

Section Two. Be it further enacted that so much of article two of Chapter 142 of the Code of Alabama, 1907 as is inconsistent or in conflict herewith be and the same is hereby repealed.

Section Three. Be it further enacted that no provision in this Act shall enlarge, abridge, destroy or in any wise impair the rights of party litigents and the public by virtue of any suit now pending in any of the courts of the State.

Section Four. Be it further enacted that this Act shall go into effect upon its approval by the Governor.

Approved Feb. 5, 1923.

No. 16.)

AN ACT

(S. 26. Foster.

To appropriate the sum of thirty-nine thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of thirty-nine thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, to be used for providing a residence for the superintendent of said Alabama Home, a small dairy, barn and a small stable, the installation of a water supply for said institution, for the purchase of furniture and equipment of the buildings of said institution, for the reception and maintenance of the inmates of said institution.

nance of mental inferiors and for vehicles for the use of said institution, and for the payment of interest due by said institution to the First National Bank of Birmingham, Alabama, on a loan of Fifty-thousand (\$50,000.00) Dollars made by said First National Bank of Birmingham to the Board of Managers of said institution for the completion of the buildings then under construction in anticipation of the payment of the last installment of the appropriation provided by the Legislature of 1919 for the establishment of said home.

Section 2. That the State Auditor shall issue a warrant for the amount appropriated in Section 1 on the State Treasury payable to the Treasurer of the Alabama Home for Mental Inferiors on his draft or order when countersigned by the Superintendent of the Alabama Insane Hospitals.

Approved Feb. 3, 1923.

No. 17.)

(S. 27. Foster.

AN ACT

To provide for the Maintenance of the Alabama Home for Mental Inferiors.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury a sum to be regulated by the Board of Managers of the Alabama Home for Mental Inferiors, for the Maintenance of said institution not to exceed Seven and 50/100 (\$7.50) Dollars a week for each inmate for the first twelve months after the opening of said Home for the reception of Mental Inferiors, and not to exceed Five (\$5.00) Dollars per week for each inmate thereafter, which amount shall be paid monthly every year by the State for every one of all the Mental Inferiors that the superintendent of said institution certifies were present in said institution on the last day of the preceding month. The State Auditor shall issue a warrant for that amount on the State Treasury payable to the Treasurer of the Alabama home on his draft or order when countersigned by the Superintendent of the Alabama Insane Hospitals. The Governor must provide for the prompt payment of all warrants drawn for the support of all Mental Inferiors of said Alabama Home, and these warrants shall have equal preference with warrants drawn for the support of the Alabama Insane Hospitals in payment to all others drawn on the general funds in the treasury. Immediately after the expiration of the fiscal year on September 30th, the Governor shall require an examiner of public accounts to examine and audit the accounts and books of the Steward and Treasurer of.

the Alabama Home and report thereon to the Governor, who shall send a copy thereof to the Superintendent of the Alabama Insane Hospitals to be read with his report before the Board of Managers at their annual Meeting.

Approved Feb. 3, 1923.

No. 18.)

AN ACT

(S. 35. Hutson.

To amend an Act entitled "An Act to amend Sections 1408 and 1409 of the Code of Alabama, approved November 1, 1921.

Be it enacted by the Legislature of Alabama:

Section 1. That An Act entitled An Act to amend Sections 1408 and 1409 of the Code of Alabama, approved November 1, 1921, be amended so as to read as follows: Section 1. That Sections 1408 and 1409 of the Code of Alabama be amended so as to read as follows: 1408. Power to borrow money for public improvements: For the purpose of providing funds to pay the cost of any improvement made under the provisions of this article, the council or other governing body of any city, town, or municipality may (1) borrow money temporarily on the faith and credit of the municipality, executing its note therefor, which note may not run longer than a period of one year, or (2) issue bonds within the limitations prescribed by the Constitution. Such temporary loan or issue of bonds may be made before the contract is let for the improvements, or during the progress of the work in installments as the work progresses, and the making of one loan, or the issue of one series of bonds, shall not exhaust the power of the municipality to provide sufficient funds for the completion of the improvement. The council shall have power to pledge, as security for such loan, whether evidenced by notes, or bonds, the proceeds of the assessment made or to be made, against the property benefitted by the improvement, and to transfer and assign for the benefit of said note or bond holder the lien of the municipality thereon with power to enforce the same either at law or in equity; provided, however, that if notes or bonds shall be issued before the completion of the work, they shall not be issued in excess of the cost of the improvement as estimated at the time of the issue of the notes or bonds. If money is borrowed and notes or bonds issued after the work is completed, such notes or bonds shall not exceed in the aggregate the total cost of the improvements. No irregularity or technical defect in the proceedings relating to the making of the improvement shall in any way affect the power of the city, town or municipality to

borrow money either by the issue of notes or bonds for the completion of the improvement.

Approved Feb. 3, 1923.

No. 20.)

(H. 87. Long.

AN ACT

To regulate further the general revenue laws of the State, so as to create a New State Tax Commission, and to abolish the tax adjuster and Boards of County Tax Adjusters.

Be it enacted by the Legislature of Alabama:

Section 1. The New State Tax Commission shall be composed of a chairman and four associate members, who shall be appointed by the Governor. The term of office of each of the members of said Commission shall be at the will of the Governor.

Section 2. The Governor, as soon after the approval of this Act as possible, shall appoint the members of the board, and shall designate which of said appointees shall be chairman of said commission. In case of a vacancy in said State Tax Commission, caused at any time by death, resignation, removal or otherwise, the vacancy shall be filled by appointment of the Governor, and the appointee shall hold office only at the will of the Governor. The New State Tax Commission shall have all the authority and powers and perform all the duties now conferred and imposed on the present State Tax Commission.

Section 3. The salaries and compensation of the chairman and the members of the New Tax Commission hereby created shall be the same as that of the chairman and members of the present State Tax Commission.

Section 4. The office of county tax adjuster and the boards of county tax adjusters be and the same hereby are abolished. This section of this Act shall take effect on September 30, 1923; provided, however, that the Governor, or the State Tax Commission, with the approval of the Governor, may discontinue, in any county, at any time he or it thinks proper, the services of any county tax adjuster or any county board of tax adjusters, before September 30, 1923, and in the event of such discontinuance, the occupant of such office shall not draw or be entitled to any salary or compensation for any period after the date of such discontinuance.

Section 5. That all laws and parts of laws in conflict with or inconsistent with this act be and the same hereby are repealed.

Approved Feb. 3, 1923.

No. 21.)

(H. 70. Fite.

AN ACT

To create the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such Deputy Circuit Clerk.

Be it enacted by the Legislature of Alabama, that:

Section One: In all counties of the State, having a population of more than two hundred thousand, according to the last, or any subsequent, Federal census, there is hereby created the office of Deputy Circuit Clerk of the Criminal Division of the Circuit Court in such counties. The Governor immediately after the passage of this bill shall appoint a qualified elector of each of such county, or counties, to fill such office, which appointee, or appointees, shall hold office until the next general election for Circuit Clerk in such county, or counties, and until the election and qualification of a successor, or successors, in such office. Such successor, or successors, shall be elected at the next general election in which Clerks of the Circuit Court of the several counties of the state may be elected, and shall hold office for a term of six years, until the election and qualification of a successor, or successors.

Section Two: Before entering upon the duties of such office, such Deputy Circuit Clerk shall give bond in the sum of ten thousand Dollars, which bond must be payable, conditioned, filed and approved as required by law for the bonds of Clerks of the Circuit Court. Before entering upon the discharge of the duties of such office, such Deputy Circuit Clerk shall take, subscribe, and have filed for record, an oath similar and in the manner to that taken by the Clerks of the Circuit Court. Such Deputy Circuit Clerk shall have all the powers and perform all the duties which may now, or hereafter, be lawfully exercised and performed by Clerks of the Circuit Court in Criminal cases, except those not strictly and exclusively non-delegable, and for all such acts shall be responsible on his official bond, with the same liabilities and penalties in like cases, as provided by law for Clerks of the Circuit Court. The fees of such officer shall be the same allowed by law in like cases to Clerks of the Circuit Court, provided, however, that in counties where Clerks of the Circuit Court are paid salaries instead of fees, fees shall be paid into the county treasury by such Deputy Circuit Clerk and such Deputy Circuit Clerk shall receive as compensation the salary of thirty-six hundred Dollars per annum, payable in twelve equal monthly installments, as the salaries of Clerks of the Circuit Court in such coun-

ties with a population of more than two hundred thousand, according to the last, or any subsequent Federal census.

Section Three: The deputies and clerical assistants in the Criminal Division of the Circuit Court of such counties, having a population of more than two hundred thousand, according to the last or any subsequent Federal census, shall be appointed by such Deputy Circuit Clerk, and shall be fixed in number, regulated, and their compensation fixed and paid in all respects as the deputies and clerical assistants of the office of the Clerk of the Circuit Court are, or may be, fixed and regulated in such counties.

Section Four: Such Deputy Clerk of the Circuit Court shall at all times be in charge of the office of the Criminal Division of such Circuit Court in the county in which he may be appointed or elected, and shall receive and disburse all moneys payable into the office of the Clerk of the Circuit Court arising out of cases in such Criminal Division of the Circuit Court.

Section Five: All the equipment for such offices including all stationery, papers, furniture, filing cases and books shall be furnished and paid for in the same manner and from the same source as the equipment, stationery, furniture, books, papers, filing cases and supplies for the respective offices at the County site of such county, and shall in all respects be similar thereto.

Section Six: That immediately after the appointee under this Act qualifies, that the Circuit Clerk, or Clerks, in such county, shall turn over to such appointee all books, records and moneys in his, or their, possession, collected from, or pertaining to, cases pending or disposed of in the Criminal Division of the Circuit Court.

Section Six and a Half: That such Deputy Circuit Clerk shall have and keep a seal of office and shall maintain offices in the County Court House. That such Deputy Circuit Clerk shall issue all mense and final process from the Criminal Division of the Court in which he is such official, and shall sign all such process in his official capacity as Deputy Circuit Clerk of the Criminal Division of the Circuit Court, and such process when so executed shall have the same validity, force and effect as if signed by the Circuit Clerk of such County.

Section Seven: Provided, however, that nothing herein contained operates to repeal or otherwise effect the provisions of an Act to provide for the election of a Deputy Circuit Clerk, in counties having more than three Circuit Judges, to perform the duties of Circuit Clerk at places of holding Circuit Court other than the county site; and to provide for his compensation, approved September 23rd, 1915.

Section Eight: Should the Supreme Court declare any section or clause of this act unconstitutional, the other sections or clauses thereof shall not be affected thereby.

Approved Feb. 3, 1923.

No. 22.)

(H. J. R. 24. Long.

HOUSE JOINT RESOLUTION

RESOLVED, by the House of Representatives, the Senate concurring that the State Highway Department is hereby requested to furnish the House and Senate at its earliest convenience the following information:

First—the name address and salary or per diem of each employee including road engineers and crew.

Second—Expenses of Highway commissioners.

Third—Amount of automobile tax collected during the past fiscal year.

Fourth—How many bonds, if any have been sold and paid for.

Fifth—Number of miles of roads surveyed and located in each county and cost of such survey.

Sixth—Number of miles of road contracted for in each county and the contract price per mile.

Seventh—Number of miles constructed in each county and the cost per mile thereof.

Eighth—Location of each bridge over a navigable stream together with the cost of same if completed and if not completed but contracted for; then the contract price thereof. If any such bridge has been located and not contracted for then the estimated cost thereof.

Approved Feb. 5, 1923.

No. 23.)

(H. 82. Goode.

AN ACT

To make an appropriation for tick eradication.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated from monies in the State Treasury, not otherwise appropriated, twenty thousand dollars (\$20,000.00) to be available from the first day of April 1923 to the first day of October 1923. Said appropriation to be used for the purpose of eradicating Cattle ticks and guarding State boundary lines by the State Live Stock Sanitary Board according to the law of the State and the rules and regulations of the Live Stock Sanitary Board providing for tick eradication.

Approved Feb. 5, 1923.

No. 24.)

(H. 136 Goodwyn

AN ACT

For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1354.78 for services rendered by him as Rate Clerk for the Alabama Public Service Commission.

Be it enacted by the Legislature of Alabama:

Section 1: That out of any funds in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of \$1354.78 for the relief of J. W. Kirtland for services rendered the State of Alabama by the said J. W. Kirtland as Rate Clerk of the Alabama Public Service Commission for a period of time beginning August the 1st, 1922, and ending January the 13th, 1923, at the rate of \$250.00 per month.

Section 2: That immediately after the passage of this Act and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasury in favor of the said J. W. Kirtland in the sum of \$1354.78.

Approved Feb. 6, 1923.

No. 26.)

(S. 17. Hutson.

AN ACT

To validate certain bonds heretofore issued by municipal Corporations in Alabama. Whereas Section 11 of An Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds" contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years," Now therefore,

Be it enacted by the Legislature of Alabama:

Section 1. All bonds heretofore issued in contravention of the said limitation are hereby validated, provided that in other respects they were issued according to law.

Approved Feb. 7, 1923.

No. 32.)

(S. 22. Inzer.

AN ACT

To provide for the withdrawal of any deposit of mutual aid or industrial association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

Be it enacted by the Legislature of Alabama:

Section 1. That when any Mutual Aid or Industrial Association or Corporation shall cease to do business in this state, and re-insures all its policy contracts with policy holders in this state, with some insurance company authorized to do business in this state, and having on deposit in this state the deposit required by law of insurance companies to do such business, or has the necessary deposit in some other State and has furnished to the Commissioner of Insurance the required certificate of such deposit, and shall have paid all its outstanding obligations to citizens in this state, it shall be permitted to withdraw any deposit it may have with this state.

Section 2. Any corporation or association desiring to withdraw its deposit under the provisions of this Act, shall file with the Insurance Commissioner a copy of its re-insurance contract, which re-insurance contract must be approved by the Insurance Commissioner, and in addition thereto shall file a statement, under oath, of its President or managing officer, stating that all its policy contracts issued to policy holders in this state have been re-insured and all its debts to the citizens of this state have been paid. Upon the filing and approval of such re-insurance contract and the statement under oath of such President or other Managing Officer, the Insurance Commissioner shall issue to such corporation or association a certificate that it is authorized to withdraw deposit with the state and such certificate shall be sufficient warrant to any officer of the state having the custody of such deposits to deliver the same to such association or corporation or its duly authorized agent. The Insurance Commissioner before issuing such certificate may demand other proof of the facts set forth in statement of the President or Managing Officer of such association or corporation, and when demanded must be furnished so as to reasonably satisfy him of the truthfulness of such statement.

Section 3. This Act shall take effect immediately after its approval, and all laws and parts of laws in conflict herewith are hereby repealed.

Approved Feb. 7, 1923.

No. 33.)

AN ACT

(S. 95. Brower.

To fix the compensation of Circuit Clerks of all Counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Section 1. *Be it enacted by the Legislature of Alabama that the Circuit Clerks in all Counties of the State of Alabama having*

a population of more than 200,000, according to the last or any subsequent Federal census, shall receive a salary of four thousand eight hundred dollars per annum, payable in equal monthly installments.

Section 2. Provided, however, nothing herein contained shall have the effect of increasing or decreasing in any manner the compensation of any Deputy Clerk holding office and performing the duties of Circuit Clerk at any place other than the County Site of such County.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 4. That this Act shall go into effect immediately after its passage.

Approved Feb. 7, 1923.

No. 34.)

AN ACT

(S. 2. Brower.

To Repeal Section 2069 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 2069 of the Code of Alabama of 1907 be and the same is hereby repealed.

Approved Feb. 7, 1923.

No. 35.)

AN ACT

(S. 49. Nolen.

To amend Section 5439 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama: That section 5439 of the Code of Alabama of 1907 be amended so as to read as follows: 5439. If in any matter or proceeding arising in the Probate Court or County Court of which the Judge of Probate is ex-officio Judge, or in reference to which the Judge thereof is required to exercise jurisdiction or authority or to perform duty, the Judge is incompetent for any legal cause or shall be absent, sick or otherwise disqualified from acting, he or his chief clerk must certify the fact of incompetency, absence, sickness or disqualification to the Register in Chancery of the County, or if the Register is incompetent, to the Judge of the Circuit; and such register or Judge must, upon such certificate, appoint a disinter-

ested person practicing in the County learned in the law to act as special judge of probate or special county judge; and such special judge in relation to such matter or proceeding shall have the jurisdiction and authority and discharge the duties of Judge of Probate or county judge as the case may be and the judgments, orders and decrees made or rendered by him shall be entered on the records of such court, and shall have the force and effect, and shall be subject to revision on appeal, or by other revisory remedy, of judgments, orders and decrees of such court of probate or county court, or of the judge thereof.

Approved Feb. 7, 1923.

No. 36.)

(S. 97—Brower.

AN ACT

To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than two hundred thousand population, according to the last or any succeeding federal census, and to provide for the payment of such compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of this State having more than two hundred thousand population according to the last or any succeeding federal census, the Register of the Circuit Court shall receive a salary of \$4,800.00 per annum payable in equal monthly installments out of the county treasury, in the same way and manner as the salary of other county officers are now paid.

Section 2. This bill shall take effect upon its approval by the Governor and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved Feb. 7, 1923.

No. 37.)

(S. 96. Brower.

AN ACT

To fix the compensation or salary of Probate Judges of all Counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

Section 1. *Be it enacted by the Legislature of Alabama* that the Probate Judges in all Counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census, shall receive a salary of Seven

thousand five hundred dollars per annum, which said salary shall be paid out of the county treasury, in monthly installments.

Section 2. Be it further enacted that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Section 3. Be it further enacted that this act shall go into effect upon its approval by the Governor.

Approved Feb. 7, 1923.

No. 38.)

(S. 84. Foster.

AN ACT

To amend Section 1 of An Act approved February 11th, 1919, entitled "An Act, To better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

Be it enacted by the Legislature of Alabama:

That Section 1 of an Act approved February 11th, 1919, entitled "An Act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same," be amended so as to read as follows: Section 1. That there is hereby constituted and established a State budget commission, which shall be composed of four members as follows: The Governor, the Attorney General, the State Auditor and the Chief Examiner of Accounts, of which commission the Governor shall be chairman.

Approved Feb. 8, 1923.

No. 39.)

(S. J. R. 67. Randall.

SENATE JOINT RESOLUTION

WHEREAS, there are about 6,500 sailors in the Confederate Navy from the thirteen Confederate States, averaging 500 from each state, whose records of enlistment, service and discharge were destroyed when Richmond was evacuated; and,

WHEREAS, their survivors find it difficult to secure pensions or gain admission into the Soldiers Home without such records; and

WHEREAS, there are to be found among the families of their descendants valuable papers consisting of official documents, letters and other data that will enable those records to be established; and

WHEREAS, Admiral A. O. Wright is now in Alabama rescuing such records, which when recovered are to be placed in the historic archives of this State, alongside those of the Confederate Soldiers on file there;

NOW THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring:

1. That the efforts of Admiral Wright and his surviving shipmates of the Confederate Navy to rescue such records be endorsed and commended to the consideration and support of the people of Alabama.

2. Further, that the municipal and patriotic organizations of Alabama be requested to assist Wright by tag days and other methods to raise the necessary fund for that purpose, and in order that his work may be thorough we request that all county officials, and all benevolent organizations make a full investigation in their respective localities to ascertain all that can be learned whether or no there ever lived among them a Confederate sailor, and if so advise the authorities in order that his case may be investigated and his record established.

3. Further, that a copy of these resolutions be sent to Admiral Wright.

Approved Feb. 8, 1923.

No. 40.)

AN ACT

(S. 85. Mc Neil.

To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Trustees of the Alabama State Department of Archives and History shall at the next annual meeting of said Board elect a trustee for the Tenth Congressional District of Alabama, who shall serve six years from the date of his election.

Section 2. This Act shall become effective on its approval by the Governor.

Approved Feb. 8, 1923.

No. 41.)

(H. 20. Glover.

AN ACT

To repeal Section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 6697 of the Code of Alabama of 1907 be and the same is hereby repealed, and that the bonds of the Judge of the several County Courts now in effect under the provisions and requirements of said section, be and the same are hereby discharged.

Section 2. That this Act shall become effective immediately upon its passage.

Approved Feb. 13, 1923.

No. 42.)

(H. 62. Bowen.

AN ACT

To amend an Act approved September 5th., 1919 entitled, "An Act to further extend the power and authority of Boards of Revenue of Counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such Boards to appropriate money or funds out of the County Treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such Boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations, or otherwise.

Be it enacted by the Legislature of Alabama That the Act approved September 5th, 1919, entitled "An Act to further extend the power and authority of Boards of Revenue of Counties having a population of more than two hundred thousand people according to the last Federal census, or according to any subsequent Federal census; and particularly to authorize and empower such Boards to appropriate money or funds out of the County Treasury to aid in maintaining homes or institutions for aged women" be amended as to read as follows:

Section 1. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, That Boards of Revenue or County Commissioners of Counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, be and they are hereby authorized and empowered to maintain and exercise jurisdiction and control over any home or homes or institutions for aged women

within their respective Counties, although incorporated or in part maintained by private donations or otherwise.

Section II. Be it further enacted by the Legislature of Alabama, That Boards of Revenue or County Commissioners of Counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, be, and they are hereby authorized and empowered to appropriate money or funds out of the County Treasury of such Counties to aid in maintaining a home, or homes, or institutions for aged women within the confines of their respective Counties, and such Boards of Revenue are authorized and empowered to pay the same by warrant, out of the County Treasury, on the certificate or warrant signed by the President of such Board.

Section III. Be it further enacted that all laws in conflict with this Act be, and they are hereby expressly repealed.

Section IV. Be it further enacted that this Act shall take effect and become a law immediately after its approval by the Governor.

Approved Feb. 13, 1923.

No. 43.)

AN ACT

(H. 139. Ware.

To Provide for Obtaining the Opinion of the Justices of the Supreme Court, or a majority Thereof, by the Governor or Either House of the Legislature, Upon Important Constitutional Questions.

Be it enacted by the Legislature of Alabama:

Section 1. The Governor by a request in writing, or either House of the Legislature by a resolution of such House, may obtain written opinion of the justices of the Supreme Court of Alabama, or a majority thereof, on important constitutional questions and.

Section 2. The opinion of the justices of the Supreme Court herein provided for shall not be binding upon the State or any department thereof, nor even upon the departments requesting it, or the justices giving the opinions; but such opinions shall be advisory merely. The object and purpose of this Act, being to give more confidence and assurance to the validity and constitutionality of important acts or contemplated acts of the Governor and the Legislature, and to declare the public policy of the State as to requesting and giving opinions of the justices of the Supreme Court as herein provided.

Section 3. The justices of the Supreme Court may request briefs from the attorney general, and may receive briefs from

other attorneys as amicus curiae, as to such questions as may be propounded to them for their answers.

Approved Feb. 13, 1923.

No. 44.)

(H. 81. Verner.

AN ACT

To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Be it enacted by the Legislature of Alabama:

Section 1. That as to all lands or lots owned or claimed by the State of Alabama and not presently used for governmental purposes, where there is no other specific mode by which the State may convey such lands, the Governor of Alabama may request the written opinion of the Attorney General of Alabama as to whether such conveyance is proper, and if the Governor is satisfied that such conveyance is proper, he may execute a conveyance to any purchaser or claimant of such lands so owned or claimed by the State, which conveyance shall be executed in the name of the State by the Governor of Alabama, and such conveyance shall pass all title or claim which the State of Alabama may have in or to lands so conveyed.

Section 2. That all conveyances of lands owned or claimed by the State heretofore made by the Governor in the name of the State be and the same are hereby ratified and confirmed as valid conveyances of such lands to the purchasers or grantees thereof.

Approved Feb. 13, 1923.

No. 45.)

(H. 76. Pickens.

AN ACT

To amend Section Six Thousand Nine Hundred and Sixty-five (6965) of the Criminal Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama:

Section 1. Section Six Thousand Nine Hundred and Sixty-five (6965) be and the same is hereby amended so as to read as follows:

6965.—Number of birds or animals authorized to be killed in one day.—Any person who takes or kills more than one deer (buck) in one day or more than five during the open season when

same may be taken; or who takes or kills more than one turkey gobbler in one day or more than ten during the open season when the same may be taken; or who takes or kills more than fifteen quail (bob-white, partridge); or who kills a greater number of any one of the species of migratory birds, or aquatic bird or fowl, than is provided for under the conservation Statutes of this State, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than fifty (\$50.00) dollars for each offense.

Section 2. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor.

Approved Feb. 11, 1923.

No. 46.)

(S. J. R. 70. Foster.

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, the House concurring, that there be and is hereby added to the recess agricultural committee one member from the Senate and two members from the House and that there be and is hereby added to the recess educational committee two members from the Senate and three members from the House; and that there be and is hereby added to the Code Committee or Commission one member from the Senate and two from the House.

Approved Feb. 11, 1923.

No. 47.)

(S. J. R. 71. Foster.

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring, that the State Prison Inspector report the result of his investigation of the Alms Houses of the several counties of the State to the recess Budget Committee, and that said committee consider said report and recommend such legislation with respect to the organization and management of the Alms Houses as they deem proper.

Approved Feb. 11, 1923.

No. 48.)

(S. 7. Teasley.

AN ACT

To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any circuit judge is ordered or required to attend and hold, or to assist in holding, any regular, adjourned or special term of court, or to transact other official business at any place not within the circuit for which he shall have been elected, such judge shall be allowed and paid his necessary expenses of travel to and from such place, and also shall be allowed his reasonable expenses (not to exceed five dollars per day) actually incurred for maintenance while holding such court, or transacting other official business.

Section 2. A statement of such expenses shall be rendered by such circuit judge and be returned to the Chief Justice within thirty days after such judge's return home. It shall not be necessary for such statement to be accompanied with vouchers or receipts, but said statement shall be sworn to by such judge. When such statement has been approved by the Chief Justice the State Auditor shall draw a warrant in favor of such judge for the amount thus approved, which warrant shall be paid by the State Treasurer out of any moneys in the State Treasury not otherwise appropriated.

Section 3. The statement hereinabove required shall be substantially in the following form: The State of Alabama. To

Dr. Judge..... Judicial Circuit, Home Address..... Alabama. For expenses of travel and maintenance incident to holding court, or transacting other official business, at..... Ala.; a place not within the circuit for which I am elected: Traveling expenses on....., 192....., from..... my home; to.....; and on..... 192....., from..... to..... my home. \$..... Expenses of maintenance from the..... day of..... 192..... to the..... day of..... 192....., inclusive, \$..... Total amount of expenses..... \$.....

I..... Judge of the..... Judicial Circuit, State of Alabama, do hereby certify that I held court, or transacted other official business, and was engaged in traveling to and from the place of holding court as above stated; that my necessary expenses of travel, and the reasonable expenses of mainte-

nance not to exceed five dollars per day, actually incurred by me, amounted to the sum of.....dollars and.....cents, which sum is correct and just; and that payment therefor has not been received.....Circuit Judge.
 Subscribed and sworn to before me this the.....day of.....192.....(Title)

Approved, this.....192.....Chief Justice.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 5. This Act shall take effect upon its approval by the Governor.

Approved Feb. 11, 1923.

No. 50.)

(H. 165. Ashcraft of Lauderdale.

AN ACT

To regulate further the Highway Department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. From and after the passage of this Act no contract or agreement for the location, construction, repair, improvement or maintenance of the public highways, roads or bridges of this State shall be made or executed by the Highway Department of this State without the approval of the Governor of Alabama, and any contract or agreement made by the Highway Department of this State as for the location, construction, repair, improvement or maintenance of any of the public highways, roads or bridges of this State without the approval of the Governor shall be void and of no effect.

Approved Feb. 10, 1923.

No. 51.)

(H. 221. Howze.

AN ACT

To Authorize the Increase of the Capital Stock or shares of Building and Loan Associations organized under the laws of this State.

Be it enacted by the Legislature of Alabama:

Section 1. That the authorized capital stock, or shares of any building and loan association organized under the general incorporation laws of this state, or pursuant to any special leg-

islative charter, may be increased to any sum whatsoever with the consent of the persons holding the larger amount in value of the stock thereof first obtained at a meeting to be held after thirty days notice given by an advertisement in any newspaper published at the principal place of business of such association. Such notice shall state what increase is proposed to be made in the authorized capital stock, or shares, of the Association. If, at such meeting, the consent of the holders of the larger amount in value of the existing capital stock, or shares, shall be given to a specified increase, a report of the action of such meeting, certified by the president or secretary of the association under the corporate seal, must be filed and recorded in the office of the Judge of Probate of the County in which the association was organized, and thereafter it shall be lawful for the association to increase its authorized capital stock, or shares, in conformity with such consent to an amount equal to, or less, but not greater than, that stated in the published notice of the meeting.

Section 2. Be it Further Enacted that all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. Be it Further Enacted that this act shall go into effect on its approval by the Governor.

Approved Feb. 10, 1923.

No. 53.)

(S. J. R. 53. Carlton.

SENATE JOINT RESOLUTION

Be it resolved by the Legislature of Alabama:

That the members of the Senate and House of Representatives of the State of Alabama recognize in the efforts of Mr. E. F. Allison, of Bellamy, Sumter County, Alabama, in the preservation of the wild game of the State a service which places the State and its people under obligation to his efforts and do hereby convey to Mr. Allison their appreciation of said service; and that this resolution be made a part of the records of the Senate and the House, and a copy of said resolution be furnished him.

Approved Feb. 10, 1923.

No. 54.)

(H. 235. Norman.

AN ACT

To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Fifty Thousand Dollars, or so much thereof as may be necessary for the payment of the amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the county jails for the fiscal year ending September 30, 1922, and which are unpaid.

Section 2. That upon the passage and approval of this Act the Auditor be and he is hereby directed to draw his warrant upon the State Treasurer for the unpaid balance due to any Sheriff, "Provided that no payment shall be made to any sheriff which is in excess of the amount which such sheriff may then owe the State."

Approved Feb. 10, 1923.

No. 55.)

(H. 178. Goode.

AN ACT

To amend Section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and special in conflict with said section as hereby amended."

Section 1. *Be it enacted by the Legislature of Alabama* that Section 3528 of the Code of Alabama of 1907 be, and the same hereby is, amended so as to read as follows: "3528. Trust companies amenable to banking laws.—All corporations, organized and operating as trust companies shall have the word "trust" as a part of their corporate names, shall be amenable to the general banking laws of the state insofar as said laws are applicable to trust companies and not in conflict with the provisions of this article, and shall be examined by the state bank examiner as state banks are examined. Provided, however, that the word "trust" need not be a part of the corporate name of any corporation now or hereafter organized under the laws of this state to do a banking business whose capital stock is fifty thousand dollars or more, and all such banking corporations, although the word "trust" be not a part of their corporate names, shall have the right to operate and conduct a trust department, become trustees for any purpose, be appointed and act as executors, administrators, guardians, and receivers, and do any business and exercise any powers incident to the business of trust and banking companies doing banking business, after the Board of Directors of the corporation shall have adopted an appropriate resolution and obtained the written approval of the State Superinten-

dent of Banks, authorizing the conduct and operation of a trust department and a copy of such resolution, and written approval certified to by the president and cashier of such banking corporation under the corporate seal of such corporation, shall have been filed in the office of the Judge of the probate court of the county in which such banking corporation has its principal place of business.

Section 2. Be it further enacted by the Legislature of Alabama that all laws, and parts of laws, general, local, private and special in conflict with the provisions of this act be, and the same hereby are, repealed.

Approved Feb. 14, 1923.

No. 56.)

(H. 45. Bealle.

AN ACT

To ratify and confirm the Charters and enlarge the powers of State Conventions and Associations of Congregational Religious Churches that have been heretofore incorporated under General or Special laws of this State or that may hereafter be incorporated under General Laws.

Be it enacted by the Legislature of Alabama:

Section 1:—That State Conventions of State Associations of churches generally known as churches that teach the independence of the local church in all matters of discipline and spiritual belief, and believe in Associations and Conventions of messengers or delegates from local churches or congregations for the spread and propagation of the Gospel, and for united effort in the advancement of education and works of charity and benevolence, generally known as congregational churches, which have been heretofore incorporated under any general or special law of the State, or which may be hereafter incorporated under any general law of the state, shall have, and are hereby invested with, the following powers in addition to the powers heretofore conferred upon such corporations by general law or special acts of the Legislature:—(a) Such incorporated Conventions or Associations may, in their corporate capacity, act in the intervals between State Conventions by and through Trustees, Directors or Governing Boards, by whatever name called or designated; and may, through its Constitution and By-laws or by resolution, adopted by the Convention, confer upon such Trustees, Directors or Governing Boards the power to do any and all acts, and exercise any and all corporate powers conferred upon them by the Convention, which the Convention itself might be permitted to exercise under its charter in accordance with the law while in

session. (b) Such incorporated Conventions and Associations shall have power to receive, purchase, own and possess, buy and sell any and all necessary property, real, personal and mixed as shall be needful for its uses in the conduct of religious, educational and charitable work and may accept gifts, donations, pledges and moneys and other properties to any extent and to any amount, and, so long as its properties are exclusively devoted to religious, educational and charitable purposes, the same shall be exempt from all State, county, municipal and other taxes. (c) Such incorporated Conventions or Associations may establish schools, colleges, universities, hospitals, orphanages, training courses for the ministry, and for missions, medical, sanitary and other benevolent work, either directly or by authorizing Boards of Directors, to be by said Convention appointed, from time to time, to incorporate under general laws as a separate, but subsidiary corporation, and any religious, educational or charitable association or institution so established by said Convention, whether separately incorporated or not, shall always be under the complete control and ownership of said Conventions or of Boards of Trustees or Directors now appointed, or hereafter from time to time appointed by said Conventions, and may donate and convey property to them. (d) Any such incorporated Convention or Association heretofore organized under any general or special law or that may be hereafter under general laws organized, shall not lose its corporate existence by reason of failure to elect or appoint trustees or Boards of Directors, and the charter of all such Conventions and Associations as are functioning and are in operation are now confirmed, whether or not the organization may have been duly conducted in strict accordance with its charter, and all charters of such corporations now legally existing are hereby ratified and confirmed. (e) Such Conventions or Associations so incorporated shall have power to borrow money and execute notes and bonds therefor, and secure the payment of the same by mortgage or pledge of any of its funds, securities or property, and if it sees fit to do so, said Convention may authorize the incorporation of a holding company or foundation through which it may transact all or any part of its financial affairs. (f) All such Conventions or Associations heretofore incorporated under general or special laws or hereafter organized under general laws, shall have perpetual existence and may hereafter do and perform any and all acts pertaining to the spread and propagation of the Gospel, the furtherance of education and the doing of all acts of charity and benevolence that any unincorporated Convention of natural persons shall be permitted lawfully to do under the laws of the State now in force or that may hereafter be enacted.

Approved Feb. 14, 1923.

No. 57.)

(H. 138. Ware.

AN ACT

To Authorize the Courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts, where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

Be it enacted by the Legislature of Alabama:

Section 1. That wherever any stock law district, prohibiting from running at large stock within such district, has been established in this State, and the records of the election and proceedings establishing such stock law district, has been, or may hereafter be, destroyed by fire or otherwise, the Court of County Commissioners or board of revenue of the county in which said district is situated may make an order, to be entered of record on the minutes of such court, re-establishing said stock law district upon satisfactory proof by parol or otherwise that such election had been held, establishing such district, and such order when made shall have the force and effect to establish such stock law district in all respects as if the records and proceedings establishing same had never been destroyed, and such original order or a certified copy thereof shall be admissible in evidence in all the courts of the state, and shall be prima facie proof of the existence of such stock law district.

Section 2. That all laws and parts of laws, general or special, in conflict with any of the provisions of this act be and the same are hereby repealed.

Approved Feb. 14, 1923.

No. 58.)

(H. 173. Patterson.

AN ACT

To amend an Act, entitled, "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Be it enacted by the Legislature of Alabama: That an Act, entitled "An Act To Amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915, be amended so as to read as follows:

Section 1421.—Municipal Bonds—Election for.—The mayor and common council, mayor and alderman, or other governing body, of any city or town in this State, may order elections to be held in such city or town, for the purpose of the qualified electors of such municipality voting upon and deciding the question as to

whether or not the bonds of such municipality shall be issued for the purpose of purchasing or constructing, enlarging, or repairing public buildings, sewers, streets, alleys, bridges, and public school houses and buildings, to purchase or acquire water works and light plants or to construct the same, or to provide the same by purchase and improvement or by improvement alone, or for such other purposes as are authorized by law, whenever such governing board deems it necessary; provided however, that where an election has been held under this Act and the proposition submitted is defeated, no second election shall be held for the same purpose within one year from the date of the first election, unless it be to authorize an issue of bonds to rebuild public buildings or bridges or public utilities destroyed since the first election: provided, further, that all bonds issued under the authority of any election already held or under the authority of any election hereafter held under any order of any such municipal body, made prior to the approval of this Act, shall be valid and a binding obligation upon the municipality notwithstanding that such election may have been held within two years from another election called for the same purpose.

Approved Feb. 14, 1923.

No. 59.)

(H. J. R. 21. Moxley.

HOUSE JOINT RESOLUTION

Of Assent To Act of Congress for the Promotion of the Welfare and Hygiene of Maternity and Infancy.

WHEREAS, the Congress of the United States has passed an Act approved by the President, November 23, 1921, entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," and

WHEREAS, it is provided in Sections 2 and 4 of the Act aforesaid, that the grants of money authorized by this Act "shall be paid annually to each State," and "that in order to secure the benefits of the appropriations x x x any state, shall through the legislative authority thereof, accept the provisions of the Act and designate or authorize the creation of a State agency with which the Children's Bureau shall have all necessary powers to co-operate as herein provided in the administration of the provisions of this Act; Provided that in any State having a child-welfare or child-hygiene division in its State agency of health the said State Board of Health shall administer the provisions of this Act through such divisions;" therefore be it

RESOLVED, by the House of Representatives of Alabama and the Senate concurring that the assent of the legislature of the State of Alabama be and is hereby given to the provisions and requirements of said Act, and the Treasurer of the State of Alabama be and he is hereby authorized and empowered to receive the grants of money appropriated under said Act; and the State Board of Health be and is hereby authorized to organize and conduct the work in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

Approved Feb. 14, 1923.

No. 62.)

(H. 163. Joint Conference Committee.

AN ACT

Imposing an Excise Tax on Persons, Corporations, Co-Partnerships, Companies, Agencies or Associations Engaged In The Business of Selling or Distributing Gasoline or Other Liquid Motor Fuels In This State—providing For The Collection and Payment of Such Tax and The Distribution of The Funds Derived Therefrom and Fixing The Penalties For The Violation of any of The Provisions of This Act.

Be it enacted by the Legislature of Alabama, That:

Section 1. As used in this Act the term "gasoline" shall include gasoline, naptha and other liquid motor fuels commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commercially known as "kerosene oil", "distillates," "gas oil," "fuel oil" or "crude oil". The word "person" means and includes every person, corporation, co-partnership, company, agency or association. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in this State by wholesale in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as "distributor" who is also engaged in the sale of gasoline as herein defined, at any place in this State, in broken quantities.

Section 2. Every "distributor" and "retail dealer" in gasoline shall pay an excise tax of two cents (2c) per gallon upon the sale of gasoline in this State, provided that in no event shall any gasoline sold in interstate commerce be taxed, and provided further the excise tax of two cents (2c) per gallon upon the sale of gasoline shall be paid only once.

Section 3. On or before the 20th day of each month after this Act shall take effect, every distributor of gasoline and every

retail dealer of gasoline shall render to the State Tax Commission on forms prescribed by said Commission a true and correct statement of all gasoline sold by such distributor or retail dealer during the next preceding month liable for the payment of the excise tax herein prescribed, and shall furnish to said Commission such additional information as said Commission may require on blanks to be furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid. The statement herein required to be made by the distributor or retail dealer shall be sworn to before some officer authorized to administer oaths and the making of any false or fraudulent statement shall constitute perjury, upon the conviction of which the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors and retail dealers shall keep in Alabama at some certain place or office such books, documents or papers as will show clearly the amount of sales of gasoline made in this State covered by this Act.

Section 5. Within thirty days after the passage of this Act every distributor and retail dealer engaged in the sale of gasoline shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or retail dealer of gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose. After this Act becomes effective, no person shall engage in selling as a distributor or retail dealer any gasoline covered by the provisions of this Act in this State until he shall have made such report to the State Tax Commission.

Section 6. If any distributor or retail dealer in gasoline in this State covered by the provisions of this Act shall fail to make any report to the State Tax Commission as required herein, he shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense.

Section 7. It shall be the duty of the State Tax Commission to enforce the provisions of this Act and the said Commission shall have the right itself or by any of its members or agents to examine the books of every such distributor or retail dealer of gasoline covered by this Act.

Section 8. The proceeds of the excise tax prescribed in this Act shall be divided between the State and the several Counties thereof as follows: one-half of such proceeds shall be paid into the State Treasury to the credit of the general fund to be used for general State purposes; the other half shall be divided and distributed equally among the sixty-seven Counties of the State.

The one-half of such proceeds due the several Counties when collected by the State Tax Commission shall be paid to the State Treasurer, and the State Tax Commission shall also at the same time certify to the State Auditor the amount which is due to each County. The State Auditor shall at the end of each month after the said funds are so certified to him draw his warrant upon the State Treasurer payable to the County Treasurer or the County Depositary of each of the several Counties for the several amounts so due each county; and each of the County Treasurers or County Depositaries of the several Counties so receiving such warrants shall place such warrants or the proceeds thereof to the credit of the road and bridge fund of the particular county. And such fund so placed to the credit of the road and bridge fund in each County shall be used for the construction and maintenance of the public highways and bridges in such Counties and for no other purpose.

Section 9. The acceptance of any amount paid for the excise tax provided for in this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. The forms of all statements and reports required herein shall be prescribed and furnished by the State Tax Commission. All costs of the enforcement of this Act shall be paid out of the State's share of the funds derived from the excise tax herein prescribed, upon the warrant of the State Auditor drawn upon the voucher of the Chairman of the State Tax Commission and approved by the Governor.

Section 11. If any distributor or retail dealer of gasoline covered by this Act fail to make the prescribed monthly return, the State Tax Commission shall make a return for such delinquent upon such information as may be reasonably obtained, assess the tax thereon, and add a penalty of 25% of the tax to the amount as assessed. The State Tax Commission shall as soon as practicable and before the thirtieth day of each month certify to the State Treasurer the names of all persons liable to pay the tax herein provided, together with the post office address and the amount of the tax and if any such taxes shall not have been paid, the Chairman of the State Tax Commission shall issue executions for the collection of such taxes directed to any Sheriff of the State, who shall proceed to collect the same in the manner now prescribed by law for the collection of delinquent taxes by County Tax Collectors and make return of such executions to the State Tax Commission. The taxes and all penalties herein provided for shall be held as a debt payable to the State by the person against whom the same shall be charged, and all such taxes, penalties and assessments shall be a lien upon all property in this State of the party charged therewith.

Section 12. Any distributor or retail dealer who shall violate any of the provisions of this Act may be restrained by proper proceedings instituted in the name of the State of Alabama by the Attorney General or any Circuit Solicitor from either distributing or selling gasoline, the sale of which is taxable in this State, until such person shall have complied with the provisions of this Act.

Section 13. All other State excise and inspection taxes on the sale of gasoline imposed before the passage of this Act shall be and the same are hereby repealed, and all State laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 14. Should any Section or any part of this Act be declared unconstitutional it shall not invalidate the remainder thereof.

Section 15. This Act shall take effect on the first day of the month next succeeding its passage.

Approved Feb. 10, 1923.

No. 63.)

AN ACT

(S. 102. Foster.

To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control & Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control & Economy general supervision and authority over the office of the State Prison Inspector who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control & Economy; to confer upon the Board of Control & Economy certain duties and authority with reference to the purchasing and supplies of the public printing and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

Be it enacted by the Legislature of Alabama:

Section 1. That an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction

on and to further prescribe the duties of the Board of Control & Economy created by the act of the Legislature, approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control & Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control & Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control & Economy general supervision and authority over the office of the State Prison Inspector who shall henceforth discharge the duties of his office in connection with and as a part of the work of the State Board of Control & Economy; to confer upon the Board of Control & Economy certain duties and authority with reference to the purchasing and supplies of the public printing and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriations to pay all salaries, wages and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919," be, and the same hereby is repealed.

Approved Feb. 10, 1923.

No. 64.)

AN ACT

(S. 40. Inzer.

To further regulate the office of the Attorney General of the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That in addition to the duties of the Attorney General, as now prescribed by law, the Attorney General shall give his opinion in writing, or otherwise, as to any question of law connected with the duties of the following county officers when requested so to do in writing: probate judge, clerk of the circuit court, sheriff, county board of education, court of county commissioners, register in equity of the circuit court, tax collector, tax assessor, or any other officer required to collect, disburse, handle or account for public funds. For the extra, new and additional duties imposed on the Attorney General by this Act and for the duties which are or may be hereafter required of the Attorney General as a member of the Budget Commission,

or body with similar duties to the Budget Commission, the Attorney General shall receive two thousand dollars annually to be paid as the salaries of other officers are paid.

Section 2. The written opinion of the Attorney General secured by either a State or a county officer legally entitled to secure such opinion, shall protect such officer to whom it is directed from liability to either the State, county or other municipal sub-division of the State, because of any official act or acts performed as directed or advised in such opinion. Officers shall not submit moot, private or personal questions in which the State, county or public is not materially or primarily interested to the Attorney General, and must submit with the request for his opinion a certificate setting forth the facts showing the nature and character of the question which makes the advice sought necessary to the present performance of some official act that such officer must immediately perform.

Section 3. The Attorney General with the approval of the Governor and the Public Service Commission may employ an Assistant Attorney General whose compensation shall be paid out of any money appropriated to the Public Service Commission for the purpose of employing clerks, assistants, accountants, engineers or other experts. Such assistant Attorney General shall, under the direction of the Attorney General, act as legal advisor of the Public Service Commission, have charge of all litigation concerning the commission and its orders, and perform such other duties as may be assigned him by the Attorney General.

Section 4. That all litigation concerning the interest of the State or any department thereof shall be under the direction and control of the Attorney General, and the employment of any attorneys for the purpose of representing the State or any department thereof shall be by the Attorney General with the approval of the Governor, provided however that nothing in this Act shall prevent the Governor from employing personal counsel whose compensation shall be payable out of the Governor's contingent fund.

Section 5. This Act shall take effect immediately upon the approval of the Governor.

Approved Feb. 10, 1923.

No. 65.)

AN ACT

(H. 133. Grove.

To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the sev-

eral counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Section 1. *Be it enacted by the Legislature of Alabama*, That the Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, are authorized and vested with full authority to extend the time of payment of any interest bearing warrants, which have been issued as payment for the construction or repair of any public roads or bridges in their respective Counties, for such period of time as to them may seem advisable, provided such time shall not extend over a period of more than ten years from the date of the contract for the construction or repair of any such public roads or bridges, and upon which said contract the said warrants were issued; and in making such extension of the time of payment, such Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several Counties of this State are authorized to issue new warrants, bearing interest at the same rate or a less rate than the original warrants, to the legal holder of said warrants, and deliver them to the holder of such warrants in lieu thereof, and which last said warrants shall be in form as now required by law and shall be binding and valid obligations of said County.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved Feb. 10, 1923.

No. 67.)

AN ACT

(H. 71. Byars.

To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

Be it enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the County Superintendent, or other persons holding the examination to provide separate

quarters for white and negro applicants for certificates to teach in the public schools of Alabama.

Section 2. Any Superintendent or other person violating Section 1 of this Act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars.

Section 3. This Act shall go into effect immediately upon its approval by the Governor.

Section 4. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved Feb. 10, 1923.

No. 68.)

AN ACT

(H. 157. Tiller.

To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside, as exempt from administration and the payment of debts:

Be it enacted by the Legislature of Alabama:

That in all proceedings instituted by the widow and minor child or children, or either of them to have the homestead of any resident of this State set aside to her, them or either of them as exempt from administration and the payment of debts in favor of such widow and minor children, or either of them, the Judge of Probate in whose Court said proceedings are filed shall immediately upon the filing of the same issue written notice thereof to all the children twenty one years of age and over of the decedent whose homestead is sought to be set aside as exempt, which said notice shall be served by the Sheriff thirty days before the petition is heard, and in case one or more of said children over twenty-one years of age shall reside out of this State, or whose residence is unknown, notice shall be given by the Judge of Probate as now provided for non-residents in other proceedings in the other Courts of this State.

Approved Feb. 10, 1923.

No. 71.)

AN ACT

(H. 27. Howze.

To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this state, and to provide for the recording of such notice.

Be it enacted by the Legislature of Alabama as follows:—

Sec 1—The United States, by or through any officer, agent or representative, may file in the office of the Judge of Probate, or registrar, or recorder of deeds of any county in this state, notice of a lien for any tax on the property of any person under the provisions of section thirty one hundred and eighty-six of the Revised Statutes of the United States as now, or here after amended.

Sec. 2—It shall be the duty of the judge of probate or registrar, or recorder of deeds in each county of this State, at the cost and expense of the county, to provide and keep as a public record, suitable book or books in which all such notices shall be recorded. Such notices shall be indexed and recorded under the same provisions of law of this state as relates to the filing and recording of conveyances of land, but no acknowledgment or probate of such notice is or shall be required.

Sec 3—The filing of such notice of lien shall operate as notice of the contents thereof from the time when the same is filed.

Approved Feb. 10, 1923.

No. 72.)

AN ACT

(H. 121. Fite.

To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers;

Be it enacted by the Legislature of the State of Alabama as follows: That in all cities of the State of Alabama having one hundred thousand or more population according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken, what is known as the Police Department and what is known as the Fire Department, and all officers and members of said departments, including the chiefs of said departments, must, and shall be under and governed by Civil Service regulations, and all persons who may hereafter be elected or appointed as officers or members of such departments, or either of them, or who may be hereafter employed in either of said departments as members of such, shall thereafter remain and continue in their respective employments as such municipal officers and employes of said cities, during good behavior, efficiency and obedience to such reasonable rules and regulations as may be from time to time prescribed by the Civil Service Board which is herein provided for, and as is hereinafter

provided. Nothing herein contained shall be construed to prevent or preclude the removal of any officer or member of either of said departments by the Civil Service Board for cause in the manner hereinafter prescribed. With reference to Members of Police Departments. **Patrolman:** The word "patrolman" as used herein, shall mean and apply to all motorcycle officers, drivers of automobiles used by the Police Department, and all other members of the Police Department below the grade of sergeant, but shall not include detectives. **Officer:** The word "officer" as used herein, shall mean and apply to all members of the Police Department of the grade of sergeant, detective, captain, assistant chief of police, and the chief of police. **Members of the Police Department:** The words "members of the police department" shall mean and include all officers, patrolmen, and detectives and wardens if detailed to warden's duty from the ranks of patrolmen or officers. **With Reference to Members of Fire Departments.** **Members of the Fire Department:** The words, "members of the Fire Department" or "members of the Fire Departments" as written herein shall mean and include the chief or chiefs of the Fire Departments, Assistant Chiefs of the Fire Departments, Battalion Chiefs, Captains, Lieutenants, Engineers, Assistant Engineers and firemen and all other men who are regularly assigned to and regularly carried on the pay roll of such Fire Departments,—except hostlers and helpers.

Section 1. In all of said Cities coming under the provisions of this Act no member of the Fire Department, below the rank of Chief of Fire Department, shall be required to work more than one hundred and sixty-eight hours in any two weeks,—except in cases of urgent emergency.

Section 2. The President and Board of Commissioners or other governing body of all cities in the State of Alabama coming within the provision of this Act, shall within fifteen days after it's enactment into Law, appoint five persons who shall constitute and be known as the Civil Service Board of such City, one to serve for one year, one for two years, one for three years, one for four years and one for five years from time of appointment and until their respective successors are appointed and qualified, and in every year thereafter the governing body of such City shall in a like manner, appoint one person as the successor to the member of the Board whose term shall expire that year, such member to serve for a term of five years. Appointments to fill vacancies shall be for the unexpired term. Any member of the Board whose term shall expire shall be eligible to reappointment. Three members of the Board shall constitute a quorum. The personnel of the Civil Service Board to be appointed as herein stated shall consist as near as is practicable, in order to make it entirely representative, of one lawyer, one physician or surgeon,

one school teacher or principal of a school, one man known as a business man and one who is known as a laboring man or person or a member of Organized Labor.

Section 3. The Board of Commissioners or other governing body of such Cities may remove any member of the Civil Service Board for incompetency, neglect of duty or malfeasance in office; but only after charges in writing have been preferred, five days notice given to the member effected, and a public trial to be had; but there shall be no appeal from the decision of such governing body.

Section 4. The Civil Service Board shall make rules to carry out the purpose of this article, and for examinations, appointments and removals in accordance with its provisions, and the Board may from time to time make changes in the existing rules.

Section 5. All applicants for a place or position on the police force or fire department, as the case may be, shall file their application in writing with the Civil Service Board, said applications to be on the blank forms furnished by the Board, and all applicants must be subject to examination, which shall be public, competitive and open to all citizens of the United States, with specified limitations as to age, residence, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire. All members of the Police Departments of such Cities and all members of the fire departments of such cities who have not been such member for twelve months or more prior to the day of the approval of this Act shall be considered applicants and be required to stand examination as applicants, as is provided for in this Section.

Section 6. The Board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every applicant for examination shall pay to the City Comptroller or other City official performing the duties of treasurer the sum of one dollar and fifty cents and the receipt therefor shall be attached to his application.

Section 7. The chief of police so far as such police departments be concerned and the chief of the fire department so far as such fire departments be concerned, shall notify the Civil Service Board of vacancies in the ranks of patrolmen or firemen respectively and the Board shall furnish the respective chief with the name and address or names and addresses of the candidate or candidates standing highest on the eligible list, and same shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from date of appointment. Before the ex-

piration of the period of probation the chiefs of the fire and police departments, respectively, may, by and with the consent of the Board, discharge any probationer in his respective department upon assigning in writing his reasons therefor to the Board. If a probationer be not discharged before the expiration of his probation his appointment shall be deemed complete.

Section 8. As soon after its organization as is practicable the Civil Service Board shall designate the Chief of Police and two captains and two of the members of the detective department and two sergeants and two patrolmen who shall together constitute the Promotion and Demotion Committee of such police departments; and also shall designate and appoint Promotion and Demotion Committees for such fire departments of such Cities, which Committee shall be constituted of the chief of the fire departments, one assistant chief of the fire departments, two captains, two lieutenants, one engineer and two firemen of the fire department. In the case of the police department the Promotion and Demotion Committee in the event of a vacancy or vacancies in the grade of sergeant, detective, captain or assistant chief of police or chief of police shall from the membership of the police department promote a person or persons, as the occasion may call for, to such vacancy or vacancies. In the case of the fire departments the Promotion and Demotion Committee of such departments in the event of a vacancy or vacancies in the grade of chief, assistant chief, battalion chief, captain, lieutenants, engineers, assistant engineer or firemen shall from the membership of such fire department promote a person or persons as the occasion may call for, to such vacancy or vacancies. These promotions to be forthwith reported to the Civil Service Board and be subject to its approval. In the event of its disapproval of any promotion made by any of such committees the said Board will forthwith in writing notify said respective Committee of its veto and disapproval of such promotion or promotions, whereupon such Committee will select for promotion and name another member or members of such force or department, as the case may be, to fill such vacancy or vacancies; the second decision of such Committee, after veto or disapproval of promotion as first made shall be final and shall be reported to the Civil Service Board who shall not be empowered to disapprove said second selection, but must approve same. In the said police department no one shall be eligible to appointment as a detective or plain clothes officer unless he shall have served more than six months immediately prior to his appointment as a uniformed patrolman, and in such fire department no one shall be eligible to appointment to the position of lieutenant or other higher grade of officer unless he shall first have been a member of such fire department for a period of not less than two years from the date of such pro-

motion. Any officer of the police or of the fire departments affected by this Act may be demoted under the following conditions: upon complaint in writing being made by the chief of the department of which he is a member or the Civil Service Board or by any three members of the Promotion and Demotion Committees of the department of which he be a member of efficiency, or unfitness in any respect, the officer complained of shall be notified to appear before the Committee of Promotion and Demotion which is organized for his respective department where he shall be fully heard in a public meeting before said Committee; and upon said hearing the said Board is empowered to dismiss the complaint or charges or to demote said officer according to the evidence and matters presented on the hearing may warrant or justify. No officer shall be demoted by the vote of less than six of the Promotion and Demotion Committee. The decision of said Committee as to demotion shall be final, unless an appeal be within three days thereafter taken by said demoted officer to the Civil Service Board where the charges or complaint shall be heard de novo. The Promotion and Demotion Committee named by the Civil Service Board shall be appointed by said last named Board and hold until January 1st, 1924, and thereafter they shall be appointed annually to hold until the first of January of each succeeding year. The Civil Service Board are authorized and empowered to fill all vacancies on said Committee of Promotion and Demotion.

Section 9. The Civil Service Board may in an emergency, or in cases where it deems proper, authorize the Chief of Police to appoint for temporary service, such number of police officers as in their opinion the existing conditions demand. All officers so appointed shall be furnished with badges, said badge to be different in size and design from the regulation badges used by the regular members of the police and detective force, and must have the words, "Special Officer" across the face of them in large letters. The Chief of Police shall furnish the Board with the names and addresses of all persons to whom he has issued special badges and at the expiration of their appointment shall cause all such badges to be taken up. From and after the approval of this Act by the Governor all outstanding commissions conferring police authority issued to persons other than those who are members of the police department to such Cities shall become cancelled and void; and thereafter it shall be unlawful for any person to have in his possession any such commission any badge of a police officer of such Cities unless same has been issued to him by the Civil Service Board, respectively affected thereby, and after such person has made bond with good and sufficient sureties to be approved by said Board. Said bond to be in the sum of \$2,000.; and made payable to the City wherein said Com-

mission has been issued, the legal effect of such bonds shall be as is provided for under Section 1500 of the Code of Alabama of 1907; and said bonds shall be conditioned as is provided for under Section 1501 of said Code.

Section 10. It shall be a violation of the provisions of this Act or any official, officer or other person to issue, give or lend one of the regulation police or detective badges to any person other than a regularly employed police officer or detective of the City.

Section 11. No member of either the fire or police departments of the Cities affected shall be removed or discharged except for cause, upon written charges or complaint and after an opportunity to face his accusers and be heard in his own defense. Such charges shall be investigated by and before the Civil Service Board after not less than five days notice to the person charged shall have been given in writing of the charges, and the hearings thereof and thereon shall be public. The decision of the Board thereon shall be given in writing to the accused, and an appeal therefrom shall lie to the City Commission or other governing body of the City wherein the member resides and the trial is had. Such appeal must be taken within five days after the written report is furnished accused, and no particular form and no bond for appeal shall be required; any written notice of desire or intention to appeal being handed to the City Clerk or other such officer, or to the head of the governing body of such City, being sufficient to constitute the notice of desire to appeal. Upon notice of desire for appeal being given the governing authority of such City shall fix a time for the hearing or trial, which time shall be not less than ten nor more than thirty days from date of notice of appeal, and said hearing or trial on appeal shall be public and shall be de novo. The City Attorney may represent the accused either in the hearing before the Civil Service Board or before the governing body on appeal, but same shall not be necessary, and the City Attorney nor his assistant shall appear as prosecutor. Any attorney secured by the person or persons making the charge or accusation shall be allowed to represent the prosecution and any attorney selected by the accused shall be allowed to represent the accused either in the first trial or subsequently on appeal, if there be such. Any person may be served with a subpoena to appear and testify or to produce books and papers, relevant to such investigation, either before the Civil Service Board or the governing body upon appeal, such subpoena to be issued as subpoenas are now issued and provided for in the Circuit Courts of this State; and any one who shall refuse or neglect to appear and testify or to produce such books and papers relevant to such investigation, as commanded in such subpoena, shall be guilty of a misdemeanor, and punished as misde-

meanors are punished under the Laws of the State of Alabama. The fees of witnesses for attendance and travel shall be the same as fees for witnesses before the Circuit Courts of this State and shall be paid from the treasury of the City affected. Any punishment because of the violation of this Section or this Act shall be before a competent Circuit Court of this State, or other competent Court, and trial thereof before punishment shall be before such Court or Courts.

Section 12. In the course of an investigation by the Board or by the governing body on appeal any member thereof shall have the power to administer oaths and shall have the power to secure by subpoena both the attendance and testimony of witnesses and the production of all books and papers relevant to such investigation as is herein provided.

Section 13. The respective Boards shall have access to all files, records and data concerning the police and fire departments, in their respective Cities, and on request to either the chief of police, or the fire department, must be furnished with any officer, or fireman the Board may suggest for the purpose of making any investigation concerning the operation of the said forces or the conduct of any member of either of said departments.

Section 14. The Civil Service Board shall meet the first and third Monday of each month for the transaction of business and same may meet at such other times as may be necessary. Such places of meeting shall be at, or in close proximity to, the City Hall.

Section 15. The Civil Service Board shall keep minutes of their meetings and records of all business transacted by them at each and every meeting. All such minutes and records shall be open for inspection at all times by the chief of police, the chief of the fire department and any member of the City Commission or other governing body of such city in which same may exist.

Section 16. The Board shall, on or before the 15th. day of September of each year, make to the City Commissioners or other governing body of such City a report showing its own actions, the rules in force, the practical effects thereof, and any suggestion it may approve for the effectual accomplishments of the purposes of this act.

Section 17. The compensation of the Civil Service Board shall be ten dollars for each member for each meeting attended, not to exceed for each member \$600.00 per annum. The President and Board of City Commissioners or other governing body of such City shall provide for the salaries and expenses of the Civil Service Board and shall provide in the annual budget of all cities coming within the provisions of this Act, an estimated appropriation sufficient to cover the salaries and expenses of such Board.

Section 18. No officer or employe of any police or fire department shall solicit orally, or by letter or otherwise, or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any candidate, political party or political purpose whatsoever.

Section 19. No officer or other member of the police or fire department, or other person, shall in any wise undertake or threaten to degrade, discharge or promote, or in any manner charge the official rank or pay of any officer or employe, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money or any valuable thing for any party or for any political purpose whatsoever. No employe of the police or fire department shall receive any promotion as a reward for his support of any candidate or political party. No employe of either department shall be reduced in rank or pay as a punishment for his failure to support any candidate for political office.

Section 20. No recommendation by any officer or official, whether said officer or official be a city, county, state or national officer or official, shall be considered by any person concerned in any examination or appointment under this Act, except as to the general moral character of the applicant.

Section 21. No person holding any office in the government of the city or any nomination for, or while seeking a nomination for, or appointment to such office, shall corruptly use, or promise to use, either directly or indirectly, any official authority or influence, whether then possessed or anticipated, in the way of conferring upon any person, or in order to secure or aid any person in securing any office, or public employment or any nomination, confirmation or promotion or increase of salary, upon the consideration or condition that the vote or influence or action of the last named person shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

Section 22. Any person in the service of the City by appointment under Civil Service rules who shall willfully or through culpable negligence violate any of the provisions of this Act, and who shall be found guilty after a trial before Civil Service Board shall be dismissed from the service of the city and shall not be subject to re-appointment.

Section 23. Any officer or employe of the City other than those holding office under the Civil Service rules, who shall willfully or through culpable negligence violate any of the provisions of this Act shall be guilty of a misdemeanor, and on conviction shall be fined in sum not less than fifty dollars, nor more than five hundred dollars, unless same be otherwise provided herein, and the office so held by such person, by force of such

conviction, shall be rendered vacant, and such person shall not again be allowed to hold any office or place of employment under the City thereafter. Any other person who shall willfully or through culpable negligence violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars and not exceeding five hundred dollars.

Section 24. Every member of the police and of the fire departments in all cities coming within the provisions of this Act who has been such member for a period of twelve months or more immediately prior to the day upon which this Act is approved by the Governor shall retain his position without examination and be subject to all the conditions and benefits of this Civil Service Law.

Section 25. No person shall be eligible to take the Civil Service examination for a position as a member of either the police or fire department in cities coming within this Act who is not a citizen of the United States, a qualified voter of the City wherein he makes such application under the provisions of this Law, or who has ever been convicted for a felony, and who does not possess a good moral character.

Section 26. The Civil Service Board shall, within ninety days after their appointment, draw and have printed such rules and regulations for the government of the said departments, in accordance with the provisions of this Act, as may seem necessary. The Board shall have the power and authority to fix the maximum and minimum age limits of applicants for examinations, and may specify the weight, height, etc. required of all applicants.

Section 27. The violation of any of the provisions of this Act by any person or persons is hereby declared to be a commission by such person or persons of a misdemeanor; and unless otherwise provided herein, any person who commits such misdemeanor must be on conviction fined not more than five hundred dollars, and may also be imprisoned in the County Jail or sentenced to hard labor for the County, wherein such misdemeanor committed, for not more than six months at the discretion of the Court.

Section 28. Each section of this Act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause, shall not effect the other sections or part thereof.

Section 29. That this Act shall take effect from and after its approval by the Governor, or upon its otherwise becoming a Law under Section 125 of the Constitution.

Section 30. All Laws or parts of Laws inconsistent herewith are hereby repealed; and this Act shall take effect upon its approval by the Governor or otherwise as herein stated.

Approved Feb. 10, 1923.

No. 73.)

(S. 103. Foster.

AN ACT

To repeal an Act approved September 30, 1920, entitled "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an Act entitled "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said Board" approved February 13, 1919, to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree."

Be it enacted by the Legislature of Alabama:

Section 1. That an Act approved September 30, 1920, entitled "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties, and mode of appointment, and to prescribe rules and regulations governing said Board," Approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree," be, and the same hereby is, repealed.

Approved Feb. 10, 1923.

No. 74.)

(S. 128. Powell.

AN ACT

To amend Section 6110 of the Code of Alabama:

Be it enacted by the Legislature of Alabama: That Section 6110 of the Code of Alabama be amended so as to read as follows: "Section 6110. (4205) (2640) (2928) (2562) Venue of Actions:—All actions or contracts, except as may be otherwise provided, must be brought in the County in which the defendant, or one of the defendants, resides, if such defendant has within the State a permanent residence; all other personal actions, if the defendant, or one of the defendants, has within the

State a permanent residence, may be brought in the county of such residence, or in the county in which the act or omission complained of may have been done or may have occurred. All actions for the recovery of land, or of the possession thereof or for a trespass thereto, must be brought in the county where the land lies; a summons issued contrary to this Section must be abated on the plea of the defendant. Any agreement or stipulation, verbal or written, whereby the venue herein prescribed is proposed to be altered or changed so that suits may be brought contrary to the provisions of this Section, is void.

Approved Feb. 10, 1923.

No. 75.)

(S. 83. Foster.

AN ACT

To amend An Act approved September 30th, 1920, entitled "An Act To amend subdivision 2 of section 4 of An Act approved September 29th, 1919, entitled 'An Act To create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Department.'"

Be it enacted by the Legislature of Alabama:

That An Act approved September 30th, 1920, entitled "An Act To amend subdivision 2 of section 4 of an Act approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Department;'" be amended so as to read as follows:

2. A Chief Examiner and not exceeding seventeen assistant examiners may be appointed by the Governor as may from time to time be necessary, to serve at his pleasure, and such appointments are revocable at his discretion.

Approved Feb. 10, 1923.

No. 76.)

(H. J. R. 57. Long.

HOUSE JOINT RESOLUTION

RESOLVED by the House the Senate concurring That when the 2 Houses adjourn for the recess that they reconvene on Tuesday July 10th 1923 at 12 o'clock noon.

Approved Feb. 13, 1923.

No. 77.)

(H. J. R. 9. Ashcraft of Lauderdale.

HOUSE JOINT RESOLUTION

WHEREAS, Doubt has been expressed as to the constitutionality of the statutes exempting from taxation the property of certain corporations owning large interests in the State of Alabama;

NOW THEREFORE BE IT RESOLVED By the House of Representatives the Senate concurring that the Attorney General of the State of Alabama be, and he hereby is, requested to investigate the constitutionality and validity of said acts, and report his opinion to the Senate and House.

Approved Feb. 13, 1923.

No. 78.)

(H. 233. Tunstall.

AN ACT

To fix the per diem or compensation of members of all recess committees appointed by Joint Resolution of the Two Houses of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That the compensation of all members of recess committees or commissions provided for by joint resolution of the two Houses of the Legislature be, and the same is hereby fixed at ten dollars per day and the same mileage as members of the Legislature receive in traveling to and from their place of residence. Said committees or commissions shall receive compensation for the entire time engaged except in cases of adjournment exceeding two days. Provided, that the members of no recess committees, except the Code Committee and the Committee which is required to sit with the Budget Commission and required to devise a well defined financial plan and policy for the State and its several departments, shall be authorized to draw or receive compensation for more than twenty days; and provided further however that the recess committee on education may draw and receive compensation for not more than thirty days and shall be reimbursed for actual rail-road fares expended by the members of such committee on Education on any visits to the educational institutions and schools of the State.

Approved Feb. 13, 1923.

AN ACT

To create in all Cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such Cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such Cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such Cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the County in which the City is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all Laws and parts of Laws in conflict with the provisions of the Act be repealed.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That in all Cities of the State of Alabama which have a population of as much as one hundred thousand people, according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, there is hereby provided for or created in connection with the regularly organized and paid police departments of such Cities special funds to be known as the policemen's pension and relief funds, which shall exist and be maintained for the benefit of the persons hereinafter named and shall be derived and raised in the manner hereinafter provided.

Section 2. Said fund shall be set apart by the Comptrollers or other persons performing the duties of treasurers, of said Cities,

into a separate fund which shall be held and maintained by the City as is hereinafter provided.

Section 3. This Act shall and does create a pension and relief system which applies to the members of the police departments of such Cities, all as is herein set forth; and said policemen's pension and relief fund as provided for and created herein shall be received, obtained and created in each respective such City,—first, by setting apart and paying into such funds out of the Treasury of the respective Cities affected hereby, same to be held by the governing body of every such City as the other City funds are held and controlled, except as herein otherwise provided, an amount equal to 5% each month of the aggregate amount of all fines and monies paid as the result of criminal prosecutions for the violations of Ordinances or Laws of said Cities, respectively, meaning thereby that 5% of the gross amount so received shall monthly be set apart into said funds, same to commence to operate with the first day of the month next after this Act has become a Law. Second, by the payment into such funds by the proper authority of such Cities, respectively, as may be affected by this Act, monthly, an amount equal to one per centum of the monthly salary of every member of the police department in such City, which one per centum shall be withheld and deducted by the proper authority from the monthly salaries of said members of such department. And shall such fund at any time be insufficient to pay and defray the expenses as provided in this Act, such Cities as are thereby affected, respectively, shall appropriate from any funds not otherwise appropriated a sufficient amount to make up such deficit and shall in its budget subsequent thereto provide for a sufficient amount to make up any anticipated deficit in said funds.

Section 4. In every such City an amount equal to five per centum of the gross receipts from all fines and monies paid into the City Treasury as a result of convictions or prosecutions for violations of the criminal laws or ordinances shall be paid into such separate fund. And each and every such payment of fines and monies is hereby charged with this amount and appropriation of 5%—same to commence as herein before provided. In addition, there shall by the Comptroller or other person performing the duty of treasurer in such city be deducted one percentum from the monthly salary of each member of such police department, which shall also be paid into such separate fund.

Section 5. That as to such fund so created, after same has come into being and is established, the respective governing body of said Cities shall direct its placement with Banks so that same may draw interest upon any part not used. Said governing bodies, respectively, are authorized to lend such part of same as is not necessarily in use on good liquid security or to purchase secu-

rities which are liquid and easily convertible into cash without delay; and all securities and funds and monies so created shall be maintained and kept separate and apart in such special fund aside from other monies and securities of such Cities, so that same shall be at all times subject to instant use.

Section 6. Every member of such police department including officers, detectives, patrolmen and wardens shall come under the provisions and benefits of this Act.

Section 7. That in all such Cities where there is created and existing a Civil Service Board, and in all others where said Board is not existing the governing body of such City or Cities, shall hear and decide all applications for pensions or relief under this Act, and the decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by such authority itself. This Board or governing body shall cause to be kept a complete and separate record of all its meetings and proceedings under the provisions of this Act.

Section 8. That all warrants drawn against said funds shall be signed as are other warrants signed and executed by authorized authorities of such Cities; however, such warrants shall be different in color or otherwise so as to distinguish them from other City warrants and shall be kept separate and apart from other warrants drawn by such Cities. No portion of said policemen's pension and relief funds shall, before or after it's order for distribution, be seized or held or in any wise subject to garnishment or levy of execution or attachment issued out of or by any Court of this State or any other State, so far as same may be sought to respond to the payment or satisfaction of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such funds; but shall be exempt therefrom.

Section 9. That if any member of such police department, while in the performance of his duty, become and be found to be temporarily totally disabled, mentally or physically, for service in such police department, by reason of service therein, the authority referred to in Section 7 hereof shall order the payment, and there shall be paid, from the proper respective fund herein provided for to such disabled member One Hundred Dollars monthly, during such total disability; and such disability shall be arrived at by such authority after report from the City Physician and such other physicians and surgeons as such authority may examine, and after the consideration of any other evidence such authority may desire to consider; this, provided such member during the same period is paid no salary as a member of the police department.

Section 10. That if any member of such police department, while in the performance of his duty, becomes or be found to be physically or mentally permanently disabled for service in such

police department, by reason of service therein, so as to render his retirement from such service necessary, said authority referred to in section 7 hereof shall make such necessary orders and shall retire such disabled member from service in such police department; and upon such retirement such member shall be paid, monthly, from such funds respectively, One Hundred Dollars per month during such disability. Such member may be called back and examined at any time under the orders of such authority and may be ordered back to active service, or to other service in connection with the City such as he is able to perform, according to the instructions, findings and orders of such authority referred to.

Section 11. That the authority mentioned in said Section 7 hereof, namely, the Civil Service Board in such Cities as have Civil Service Boards, otherwise the governing body of said Cities, with the approval of the City Physician or other reputable examining physician as may be selected by such authority, shall have the power to retire from service in such police department any member thereof who has become disabled while in the actual performance of his duty; or any member who has performed faithful service in such police department for a period of not less than fifteen consecutive years; and shall in such case place the member so retired on the pension roll, and he shall receive from such funds respectively the sum of One Hundred Dollars per month during the period of his retirement, such sum to be paid to him monthly.

Section 12. That any member of such police department who has been in the service thereof for as much or as long as twenty five years, the last five of which are consecutive years service, upon making written application to the authority mentioned in Section 7 of this Act shall, without medical examination or disability, be retired from service in such police department; and upon such retirement he shall be paid monthly from such funds the sum of One Hundred Dollars as a pension.

Section 13. That if any member of such police department while in the performance of his duty be killed, or dies as the result of any injury received in the line of his duty, or of any disease contracted by reason of his service in such police department, or shall die for any cause whatsoever as the result of his service in such police department and while in such service, or after having served in such police department for fifteen consecutive years or more shall die while in the service, or on the retired list, from any cause, and shall leave a widow or child or children under the age of fourteen years surviving him, the authority referred to in Section 7 of this Act shall direct and cause the payment from said funds, monthly, to such widow during her natural life, and while unmarried, of Thirty Dollars, and to each

child until it reaches the age of fourteen years, not less than Five nor more than Ten Dollars, which said sum for the benefit of such child or children shall be paid to the mother, if living, monthly, so long as such child or children shall reside with and be supported by her; and if there be child or children and no widow surviving such member then for each child Ten Dollars per month to be paid to the person having the custody of each respective child. Should such deceased member leave no widow or children but leave a widowed mother, dependent upon him for support, the said mother shall be paid out of said funds during her natural life and so long as she remains unmarried, the sum of Thirty Dollars monthly.

Section 14. That whenever an active or retired member of such police department shall die as aforesaid, there shall be appropriated and paid from said funds or sum not less than Seventy-five nor more than One Hundred Dollars for funeral and burial expenses of such deceased member, which sum shall be used for such funeral and burial expenses and paid out upon order and direction of the Chief of Police.

Section 15. That in all matters involving the disability or sickness of members of such police department, the authority mentioned and referred to in Section 7 of this Act, shall have such disabled member, and if it sees fit, such sick member examined by the City Physician and such other reputable physicians or surgeons as it may select, who shall report to such authority the result of such examination or examinations in writing; and it is hereby made the duty of such City Physician when requested so to do by such authority to make such examination and to report thereon as aforesaid. And any member of such police department who refuses to allow such examinations, as may be by such physicians or the authority referred to in this Section deemed necessary, shall during the continuance of such refusal be debarred from receiving any benefits whatsoever under this Act.

Section 16. That when the widow or children or widowed mother, or any of them, shall be entitled to a pension or benefits as provided in this Act, such widow or children or widowed mother shall make or cause to be made an application to the authority referred to in Section 7 of this Act, on a form to be provided by the governing body of such Cities or Civil Service Board, if there be one, which shall show in the case of the widow—proof of marriage of the deceased to the claimant, by marriage certificate or other competent evidence; and proof of the widowhood of the mother of such deceased member and proof of her dependency for support upon him, shall be shown by affidavits of such widowed mother and otherwise; and the birth and ages of such children shall be shown by affidavits of the mother of such

children, or disinterested persons; and by other competent evidence.

Section 17. The provisions of Sections 9, 10, 11 and 12 of this Act shall apply and be effective, and members of the police departments who shall receive the benefits of this Act under any of said Sections 9, 10, 11 and 12 hereof shall receive such benefits only, so long as such members receiving or entitled to same shall be bona fide residents of the County in which the City is located which creates said fund from which said members, respectively, receives such benefits.

Section 18. While the creation of the fund has been specifically provided for in this Act, nothing herein shall in be in any wise construed or meant to prevent gifts, donations, legacies or otherwise to be made to such funds, and trustees for the purpose of receiving same and for the purpose of holding any property or performing any duty in connection with the pension and relief funds herein provided for and established may at any time be named, designated and appointed by the governing body of such City, and under such restrictions, rules and regulations as may be provided for by such governing body.

Section 19. That if any section or provision of this Act shall be held or declared to be unconstitutional or void, it shall not effect or destroy the validity or constitutionality of any other section or provision of this Act which is not, of itself, void or unconstitutional.

Section 20. That this Act shall take effect from and after its approval by the Governor, or upon its otherwise becoming a law under Section 125 of the Constitution.

Section 21. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Feb. 16, 1923.

No. 80.)

AN ACT

(S. 72. Hildreth.

To amend Section 13 of An Act entitled "An Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this state; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties." approved September 22nd, 1915."

Be it enacted by the Legislature of Alabama: That Section 13 of an Act "to provide for the establishment, discontinuance,

construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules; regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties," approved September 22nd, 1915, be and the same is hereby amended to read as follows:

Sec. 13. That the courts of county commissioners, boards of revenue or other governing bodies of the several counties may, for the purpose of maintaining the public roads, bridges and ferries of the county, impose upon the owners of all vehicles, except such motor vehicles as are now exempted from payment of further license taxes by reason of payment of county and state license taxes now imposed, which are used upon the public roads of the county, a "license tax and may classify such vehicles in determining the amount of the tax to be levied on each class. Provided however that when the owner or operator of such vehicle has paid such a license tax to the proper official or officials of the county of his residence, he shall not be required to pay such license tax to the officials of any other county, for the use of the public roads for going in or through such other county from or to the county in which he resides.

Approved Feb. 13, 1923.

No. 82.)

AN ACT

(S. 112. Brower.

To amend Sections 15, 16 and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interest of the construction, maintenance and operations of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; To provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act," Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Be it enacted by the Legislature of Alabama that Sections 15, 16 and 47 of the Act entitled "An Act to enlarge the authority, powers, and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest

of the construction, maintenance and operation of public utilities and of their service, rules regulations, and practices; fares, rates and charges; facilities and plants; franchises licenses and contracts; and their valuation, financing and securities; To provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's Orders, and penalties for failure to comply with the orders of the commission or with the provisions of this Act," approved October 1, 1920, and known as the Alabama Public Utility Act of 1920, be and they are hereby amended to read as follows:

Section 15. Notice of Completion of Valuation, Protest; Finality of Valuation.—Whenever the commission shall have completed its valuation and report of the property of any utility, as herein provided, and before such valuation shall become final, the commission shall give notice to such utility and to every municipality in the State where such utility renders service, as shown by the records of the commission, stating the valuation placed upon the property valued and shall allow ninety days in which such utility, or any person who uses the service of such utility, or any municipality in which such utility operates, may file a protest of the same with the commission. If no protest is filed within ninety days, the valuation fixed by such report shall become final, as of the date thereof.

Section 16. Protest, Hearing, Changes in Valuation; Effect of Final Valuation.—If notice of protest is filed, the commission shall fix a time for hearing the same and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed. If, after hearing any such protest the commission shall be of the opinion that its valuation should not be made final, it shall make such changes as may be necessary to do justice, and shall issue an order making such valuation as corrected final as of the date thereof, which order shall be a final order of the commission. If after hearing any such protest, the commission shall be of the opinion that its valuation should be made final, it shall issue an order making such valuation final as of the date thereof, which order shall likewise be a final order of the commission. Any such final order and the commission's report of valuation upon which the same is based shall be a permanent public record of the commission and shall be kept on file at its office. If no protest is filed as provided in Section (15) hereof as amended and such report of valuation by the commission becomes final as therein provided, then the valuation fixed in such report shall for all future rate making purposes be the permanent basic valuation of the property of such utility unless there be a re-valuation of the property of such utility as is hereinafter provided. If such protest is filed and after hearing thereof and order thereon, no

appeal be taken to the Circuit Court of Montgomery County, then the valuation fixed by such final order thereon shall for all future rate making purposes be the permanent basic valuation of the property of such utility unless there be a re-valuation of the property of such utility as is hereinafter provided. If the valuation of the property of any utility has become final as heretofore provided under said Alabama Public Utility Act of 1920, or if such valuation becomes final as provided in Section 15 hereof as amended the commission may nevertheless within ninety days after the passage and approval of this amendatory act or within ninety days after any valuation hereafter made becomes final, proceed for reasons which it shall deem sufficient to make a re-valuation of the property of such utility of which a valuation has been made or may be made under the provisions of this Act, such re-valuation being had upon the principles declared in this Act; and the commission may to this end make such further investigation as provided in this act as it may see fit. The commission shall give notice to any utility of its intention to proceed to a re-valuation of the property of such utility. Whenever the commission shall have completed its re-valuation, it shall make a report thereof, and before such re-valuation shall become final, the commission shall give notice to such utility, and to each municipality in which it renders service as shown by the records of the commission stating the valuation placed upon the property so revalued, and shall allow sixty days in which such utility, or any person who uses the service of such utility or any municipality in which such utility operates, may file a protest of the same with the commission. If no protest is filed within sixty days, the valuation fixed in such report of revaluation shall become final, as of the date thereof. If notice of protest is filed by any utility whose property is so revalued, or by any person who uses the service of such utility, or any municipality in which such utility operates, the commission shall fix a time for hearing the same and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed. If, after hearing any such protest, the commission shall be of the opinion that the valuation fixed in its report of re-valuation should not be made final, it shall make such changes as may be necessary to do justice, and shall issue an order making such valuation as corrected, final as of the date thereof, which order shall be a final order of this commission. If after hearing any such protest the commission shall be of the opinion that the valuation fixed in its report of re-valuation should be made final, it shall issue an order making such valuation final as of the date thereof, which order shall likewise be a final order of the commission. Any such final order and the commission's report of revaluation upon which the

same is based shall be a permanent public record of the commission, and shall be kept on file at its office. If no protest is filed as herein provided and the valuation fixed by the commission in its report of re-valuation becomes final, as herein provided, then the valuation fixed in such report of re-valuation shall for all future rate making purposes be the permanent basic valuation of the property of such utility. If protest is filed as herein provided, and after hearing thereof and order thereon no appeal be taken to the circuit court of Montgomery County, then the valuation fixed by such final order on the commission's report of re-valuation shall for all future rate making purposes be the permanent basic valuation of the property of such utility. In the case of any re-valuation in a proceeding in which the final order of valuation is hereafter made, the cost of services of engineers, accountants, or other experts, employed and used by the commission in such re-valuation proceeding, shall be borne by the commission where such revaluation is by the commission, on its own motion or upon the application of some person other than the utility whose property is involved. When any order of valuation or of revaluation of the commission hereafter made has become a final order, an appeal may be taken therefrom by the utility or by any person, as defined herein, who is a party to the cause before the commission to the circuit court of Montgomery, County, Alabama, in equity, within thirty days from the date of such final order, and upon the hearing of such appeal that court shall have the right to affirm the order of the commission, or reverse the same and remand the case to the commission for further consideration. And from any such judgment of the circuit court an appeal shall lie to the Supreme Court of Alabama which court shall have the right to affirm the judgment of the circuit court, or to reverse the same and remand the case to the commission for further consideration. If the cause should be reversed and remanded to said commission by either the circuit or the Supreme Court, the commission shall proceed to a consideration thereof in accordance with the mandate of said Court, and the law as applicable thereto.

Section 47. Right To Inspect Books And Records, Plant and Property of Utility—The commission shall also have the power and authority, and it shall be its duty, to examine and inspect, or cause to be examined and inspected at reasonable times and in a reasonable manner, under its authority, the books, records, accounts, documents, plant, property and facilities of any utility, whether there is any proceeding by or against the utility then pending before the commission or not. Every utility, its officers and agents, are expressly required to make all its books, records, accounts, and documents available at its principal office or place of business in this State, for examination and inspection by the

commission, or its authorized representatives or employees, whenever the commission may deem it in the public interest that such examination or inspection should be made. Every utility, its officers and agents, are expressly required to make available all and every part of its plant, property and facilities for examination and inspection by the commission or its authorized representatives or employees, whenever the commission may deem it in the public interest that such examination or inspection should be made; provided, that any person shall produce, when so required, his authority from the commission to make such examination or inspection under the seal of the commission. Any utility, its officers or agent in charge thereof, that fails or refuses upon the written demand of the commission, signed by the president thereof, or a majority of said commission and under seal of the commission to permit the commission, its authorized representatives or employees to examine and inspect its books, records, accounts and documents or its plant, property or facilities, as provided for hereunder, shall be guilty of a misdemeanor. Each day of such failure or refusal shall constitute a separate offense, and each such offense shall be punishable by a fine of not less than five hundred dollars and not more than five thousand dollars. This amendatory act shall become effective upon its approval by the Governor.

Approved Feb. 13, 1923.

No. 84.)

AN ACT

(S. 47. Foster.

To authorize County Boards of education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever in any rural school district an election for the three mills district school tax has been held and has resulted in favor of the levy of such tax, and the tax has been levied, and any persons in such school district, in anticipation of the election and in the belief that the proceeds of such tax would be applied to the construction of a public school build-

ing or buildings in said district, have contributed their own money to the construction of such building or buildings, or borrowed money and applied it to such purpose, and such building or buildings, shall have been erected in accordance with the plans of the County Board of Education or of the State Department of Education, the County Board of Education in such cases, may apply so much of the proceeds of the three mills district school tax in such district as may be necessary to the reimbursement of such persons for the money so spent by them, and may draw warrants against such tax proceeds in favor of such persons, such warrants not to bear a greater rate of interest than 6% per annum and to be paid only out of the proceeds of such district three mill tax. Provided, however, that satisfactory proof shall be made to the County Board of Education that the money for which reimbursement is claimed has actually gone into the construction of a public school building, or buildings, in such district, and, provided further, that the County Board of Education, or the State Department of Education has accepted such building or buildings for the use of the public schools in such district.

Approved Feb. 10, 1923.

No. 85.)

AN ACT

(H. 177. Verner.

To amend an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board," approved February 13, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board," Approved February 13, 1919, be amended so as to read as follows: The Board heretofore known and called "State Board of Control and Economy" shall from and after the passage of this Act be known and called "State Board of Convict Supervisors."

Section 2. The powers, duties, jurisdiction and obligations now conferred upon the said State Board of Control and Economy and upon the Board of Convict Inspectors and upon the President of the Board of Convict Inspectors are hereby conferred upon the State Board of Convict Supervisors, subject, however, to the provisions and limitations of this act.

Section 3. That the State Board of Convict Supervisors shall consist of two members to be appointed by the Governor, one of

whom the Governor shall designate as President and the other as Associate Member. The members of the Board shall hold office at the will of the Governor and be subject to removal by him at his discretion when, in his opinion, the public good requires it. In case of a vacancy on the Board, from any cause whatsoever, the Governor shall appoint another President or Associate Member of the Board, as the case may require. The salary of the President of said Board shall be fixed by the Governor at an amount not exceeding \$6000 per annum and the salary of the Associate Member of the Board shall be fixed by the Governor at an amount not exceeding \$5000 per annum to be paid in monthly installments, as other officers of the State are paid and as now provided by law.

Section 4. That each member of the Board shall give bond in the sum of Twenty Five Thousand Dollars (\$25,000) payable to the State of Alabama, conditioned faithfully to perform his official duties and account for all moneys and properties coming into his hands by virtue of his office. The bond shall be executed by an authorized surety company, and must be approved by the Governor. The premium on the bond shall be paid by the State. Each member of the Board shall devote his whole time to his official duties and shall hold no other lucrative position while a member of the Board of Convict Supervisors.

Section 5. That the terms "the Board" or "The Board of Convict Supervisors" when used in this act shall mean the State Board of Convict Supervisors, hereinabove named.

Section 6. That the Governor shall set apart in the Capitol, or at some other place at the seat of Government, suitable quarters for the offices of the State Board of Convict Supervisors and its employees. The Board of Convict Supervisors shall hold regular monthly meetings at the office of the President thereof, at such time or times as may be fixed by them, and other meetings may be called at the pleasure of the President.

Section 7. That the State Board of Convict Supervisors, under the direction and control of the Governor, shall have the charge, management and operation of the convict system of the State, and shall have power, with the approval of the Governor, to make all necessary rules and regulations for its own government and for the working and the management of the convicts of the State and all matters incident thereto. The State Prison Inspector shall henceforth discharge the duties of his office in connection with and under the direction of and as a part of the work of the State Board of Convict Supervisors, which is hereby vested, with the approval of the Governor, with authority and power to extend the work and duties of his office, his functions and activities to all penal, charitable, and eleemosynary institutions placed by this Act under the control of the State Board of

Convict Supervisors. The State Board of Convict Supervisors is hereby vested with the power and authority to establish and promulgate rules and regulations for the proper conduct or coordination of the work and operations of the State Prison Inspector's office, subject to the approval of the Governor. The State Prison Inspector may be removed by the Governor at his discretion, whenever he may deem it best for the public interest.

Section 8. That the State Board of Convict Supervisors is also vested with the power and authority to make such changes in the existing arrangements with reference to the segregation and treatment of tubercular patients, and other patients needing long time hospital detention and care, who are serving sentences for conviction of crime, so as to permit such patients to be transferred to the custody and care of those officers and agents who have the charge and control of the detention hospital or hospitals of the State Convict system; the agents in charge of such hospital or hospitals during the period of the treatment of such convict patients are hereby constituted the legal custodians of such convicts. Any such hospital or hospitals, or other place suitable and used under the convict system for the segregation and treatment of tubercular or long time patients, may be opened under the authority of the State Board of Convict Supervisors and may be used for the segregation, treatment, and care of other inmates afflicted with tuberculosis or other diseases or ailments requiring long time detention, treatment and care, and who may be received from any other institution covered by this Act, or from any hospital or other duly accredited and responsible institution in the State with which the State Board of Convict Supervisors may co-operate in the matter of the treatment or care of such patients; provided that there shall be proper separation of convicts from free persons, whites from blacks, males from females, in such hospital or place of detention. The Board is hereby given general authority over the reception, care, custody and segregation of such persons, and is also vested with the power and authority, by and with the approval of the Governor, to establish and promulgate rules and regulations for the proper conduct of the business and operation of such hospitals and places of detention, except as may be otherwise provided by this Act.

Section 9. That the Board of Convict shall keep in its office a complete system of books and accounts with all institutions over which it has supervision, showing every expenditure authorized and made therefor, and containing a separate account of every appropriation made by the Legislature therefor and every expenditure therefrom; and shall also keep books and accounts showing all revenues and receipts derived from every source, and showing separately the revenues from each institution, ac-

tivity or plant controlled or operated by the Board of Convict Supervisors.

Section 10. That the Board of Convict Supervisors shall require its officers and employees and those of institutions under its charge or control, who may be charged with the handling of any public moneys, to give bond to the State in a sum to be prescribed by the Board, conditioned faithfully to account for all moneys and to disburse the same according to law, the bonds to be signed by an approved surety company, and to be approved by the President of the Board of Convict Supervisors. The premiums on the bonds shall be paid by the State.

Section 11. That every member, agent or employe of the Board who shall necessarily travel on official business shall be paid the actual expenses for travel by the nearest practicable route, but no expenses for travel to other States shall be incurred by any of said persons unless authority therefor be first granted by resolutions of the Board of Convict Supervisors containing the reasons and purpose of the trip, upon which the Governor has endorsed his approval. Before any member, officer, agent or employe of the Board shall be paid any expense account, or be reimbursed any money claimed to have been expended in the performance of his duties, a statement showing the items thereof, verified by affidavit of the claimant that the bill is just, accurate and true and is for cash expenditures actually made, and that the money has been disbursed legally, and that the items claimed were necessary and were actually paid out and disbursed by the party claiming from the State, shall be presented to and approved by the Governor and then presented to the State Auditor.

Section 12. That the Board may adopt rules and regulations, with the approval of the Governor, for conducting its business and may define the duties of and rules for the government of officers and employes of the institutions under its control, as well as those of its own officers and employes, not conflicting with this Act. All contracts of the Board shall be in writing, signed for the Board by the President. The Board, with the approval of the Governor, may prescribe rules and regulations for emergency purchases without advertisement for bids.

Section 13. That the President of the State Board of Convict Supervisors is hereby authorized and empowered, by and with the approval of the Governor, to make and enter into all contracts necessary to the efficient management of the business of the department, and such President is hereby authorized and empowered, by and with the approval of the Governor, to prescribe and employ the subordinate officers, assistants and employes necessary for the proper conduct and operation of the Convict Department; to prescribe their duties and to fix their salaries or compensation, which shall be done in writing, signed

by the President of the Board and approved by the Governor, and recorded in the office of the State Board of Convict Supervisors, in a well bound volume kept for that purpose, where shall, also, be stated the amount of salary or compensation to be paid each such subordinate or employe. Such subordinate officers, assistants and employes shall be appointed by the President of the Board with the approval of the Governor. The said officers, assistants and employes shall be subject to removal by the Governor, and their salaries or compensation shall be paid out of funds of the Convict Department, as salaries of officers and employes of the Convict Department have heretofore been paid. There is hereby appropriated an amount sufficient to pay all salaries, wages and other expenses and outlays authorized to be paid or incurred in this Act.

Section 14. That the Board of Convict Supervisors shall purchase all supplies for all departments and activities of the State, except educational, charitable and eleemosynary institutions governed by their own board of trustees or managers, under rules and regulations which the Board may adopt, with the approval of the Governor, and which rules, among other things, shall require advertisements for written bids and allow opportunity for competition among bidders, and the award of contracts to the lowest responsible bidder, and shall prescribe requirements to be observed by successful bidders to secure compliance with their bids, and may require successful bidders to give bond, with duly authorized surety companies as surety to secure performance of contracts under regulations which the Board, with the approval of the Governor, may prescribe.

Section 15. That when the head of any department of the State shall desire any office supplies or materials or other articles of use or necessity, written application shall be made therefor to the State Board of Convict Supervisors, sworn to and stating by items the articles desired and needed, showing out of what fund they are to be paid, that the articles are necessary, that the amount of the requisition is not excessive, and that no part of the same will be used except in conducting the public business, and such application shall be kept on file in the office of the Board of Convict Supervisors.

Section 16. That the Board of Convict Supervisors shall, with the approval of the Governor, make and prescribe rules and regulations governing the determination as to whether or not articles requested shall be purchased by the Board, and, with the approval of the Governor, shall also make and prescribe regulations governing the purchase by the Board, advertising for bids, opening of bids and acceptance thereof, but the Board shall not purchase any supplies from any person, firm or corporation to whom, or to any of the officers or agents of which, any member

of the Board is related in any manner or form, or any firm or corporation in which any member of the Board has any pecuniary interest.

Section 17. That the Board of Convict Supervisors shall keep in its office complete records of all requisitions, bids, correspondence and other papers of the Board of Convict Supervisors, or of its members, relating to official business, and of subordinates, employes or agents of the Board relating to its business, and of all proceedings of the Board, which are hereby declared to be public records and shall be carefully preserved and be at all reasonable times during office hours open to the inspection of any officer or citizen of the State who may be allowed to make copies thereof.

Section 18. That the Board of Convict Supervisors shall keep on file in its office an inventory of all office furniture, fixtures and supplies of any nature of all offices, departments, commissions, bureaus and boards of the State, and of changes made in the offices thereof in the State Capitol in respect to office furniture, fixtures, and supplies, which inventory must be made and filed by the Board before the first day of January of each year, and when filed some employe or agent of the Board of Convict Supervisors designated for that purpose shall annually go into each office and check up all articles and supplies of every kind in each office, not including books in libraries, and shall compare such inventory with the one filed the preceding year, and the Board shall require a strict account from every head of department, office, commission, bureau or board of any discrepancy between such inventories. If the explanation is not satisfactory, the Board shall report the fact to the Governor for such action as the case may call for. If any officer of the State thinks best to sell any furniture or other articles in his office or department, he shall give notice of such desire, in writing, to the Board of Convict Supervisors, with an itemized list of the articles and reasons for selling, and, if in the opinion of the Board of Convict Supervisors and the Governor, it is desirable that such articles be sold, they shall be sold by the Board of Convict Supervisors, which, with the approval of the Governor, may prescribe rules and regulations to secure the best price for the State and the faithful accounting to the State for the proceeds of sale.

Section 19. That the State Board of Convict Supervisors is hereby vested with control and authority over, and is hereby charged with the duty of providing for the public printing and binding designated in and subject to the limitations of Section 69 of the State Constitution, and more particularly set forth in Sections 1647 and 1648 of Chapter 40, Political Code. Section 578 of Chapter 19, Article 2, and Sections 1649 to 1655, inclusive, and Sections 1657, 1658, 1660, and 1662 of said Chapter 40, of

the Political Code, are hereby repealed. The State Board of Convict Supervisors in each October next before the meeting of the Legislature, by circulars addressed to each daily newspaper in this State, shall invite bids for publication in such paper of the laws of a general and public nature having effect in every county and upon all the people of the State, which may be enacted by the next Legislature, and may accept the proposal of the lowest and most responsible bidder for making such publication and enter into contract with such bidder before the meeting of the Legislature. In determining which bid to accept the State Board of Convict Supervisors may take into consideration the circulation of the newspaper published by the bidder; but no bid in excess of a maximum price or rate to be fixed by the State Board of Convict Supervisors in the circulars inviting bids shall be considered. The State Board of Convict Supervisors is hereby vested with the power and authority to establish and promulgate rules and regulations for the proper conduct of the business and duties imposed upon the Board by this Section.

Section 20. That the care, custody, equipment, repairing, insurance, inventorying and accounting for all property of the State, except the property of educational, charitable and eleemosynary institutions, which are under the management of their own board of trustees or managers, shall be in charge of the State Board of Convict Supervisors, which is hereby vested with the authority to promulgate rules and regulations, with the approval of the Governor, for the proper conduct of the business and duties conferred by this Section.

Section 21. That the Board shall annually make and file in the office of the Governor a report of the results of its operations and the conduct of its business in the exercise of the powers granted it, and shall also report to the Governor, within ten days before the beginning of each regular session of the Legislature, all such matters as may be required by the Governor to be included in such report, and it shall be the duty of the Governor to inform the Legislature at the beginning of each regular session of the contents of such reports. All records of the Board shall be open at reasonable times to the inspection of the public.

Section 22. The Board of Convict Supervisors shall, with the approval of the Governor, make and prescribe rules and regulations requiring all the State, educational, charitable and eleemosynary institutions to file with the Board of Convict Supervisors, quarterly, full and detailed reports showing the amount of moneys spent for the purchase of supplies, equipment and material of every kind, for all buildings and repairs and upkeep and insurance; such detailed reports shall be made quarterly to the Board of Convict Supervisors by the president or superintendent of each such institution, within ten days after the first day

of January, April, July, and October of each year, and at such other times as may be required by the State Board of Convict Supervisors, with the approval of the Governor.

Section 23. The State Board of Convict Supervisors, when requested by the Governor, his private secretary, the Secretary of State, or any other officer or agency authorized to make contracts for the purchase of supplies or material for the State, or any of its educational, charitable or eleemosynary institutions, furnish the officer or agency so making the request with any data or information which this Board may have in its possession that would aid or be of assistance in purchasing any supplies or material for the State or any of its institutions, and shall render any aid or assistance which it can in making contracts for the purchase or in purchasing any supplies or material which the State or any of its institutions may need or require.

Section 24. The State Board of Control and Economy, and the State Warden General, immediately after the approval of this Act, shall deliver all books, records, papers and data, or other property of the State, or its institutions or agencies, now in its or his possession and control, to the State Board of Convict Supervisors.

Section 25. That any person who violates any provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), and may also be imprisoned in the county jail or sentenced to hard labor for a term not exceeding six months, in the discretion of the judge trying the case.

Section 26. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 27. That this Act shall be effective upon its approval by the Governor.

Approved Feb. 10, 1923.

No. 86.)

(H. J. R. 61. Rules Committee.

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, the Senate concurring, that the Speaker of the House be and is hereby authorized and directed to appoint one additional member of the Code Commission.

Approved Feb. 10, 1923.

No. 87.)

(H. J. R. 41. Grove.

HOUSE JOINT RESOLUTION

BE IT RESOLVED By the House, the Senate concurring, that a Joint Committee of five (5), two (2) from the Senate, to be appointed by the President of the Senate, and three (3) from the House, to be appointed by the Speaker of the House, sit during the recess of the Legislature to investigate and examine into and report back to the Legislature, at its adjourned Session, the conservation laws of the State of Alabama relating to the natural resources of the State: Viz: sea-foods,—oysters, salt-water fish,—game and fish, and other natural resources of the State that demand the State's protection, but not Forestry. Said committee shall not sit over ten working days.

Approved Feb. 10, 1923.

No. 88.)

(H. J. R. 54. Rules Committee.

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House, the Senate concurring, that the door-keeper of the House and the door-keeper of the Senate are allowed the sum of Fifteen Hundred Dollars or so much thereof as may be necessary to pay the expenses incurred by the door-keeper of the House and the door-keeper of the Senate, to be paid out of the fund for the expenses of the Legislature. The State Auditor is hereby authorized and directed to draw his warrant on the State treasurer for such bills when approved by the presiding officer of the Senate or House.

Approved Feb. 10, 1923.

No. 89.)

(H. J. R. 53. Rules Committee.

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House, the Senate concurring, that the Clerk of the House, the Assistant Clerk of the House, the Reading Clerk of the House, and five (5) assistants, to be named by the Clerk of the House, and the Secretary of the Senate, the Assistant Secretary of the Senate and the Chief Clerk in the Secretary of the Senate's Office, together with five (5) clerks to be named by the Secretary of the Senate, be given a period of

fifteen (15) days from the recess of the present session of the Legislature of Alabama, or so much thereof as may be necessary to check up, compare and arrange the Journal and Register of the House and Senate, and that they be allowed the same per diem as they are now allowed by law.

Approved Feb. 11, 1923.

No. 90.)

(H. J. R. 52. Rules Committee.

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House, the Senate concurring, that a joint committee be raised, consisting of four from the House, to be appointed by the Speaker of the House, to which number the Speaker shall be added as an ex-officio member, and two from the Senate, to be appointed by the Lieutenant Governor, and of which the President pro tem of the Senate shall be an ex-officio member, which committee, when appointed, shall be, and is hereby empowered to employ clerks, experts and attorneys, and appoint sub-committees from its membership, and directed to sit with the State Budget Commission during the recess period of the Legislature, to investigate the financial condition and needs of the State, and its several departments, and to act with and assist said State Budget Commission in any manner that may be found necessary in order to carry out the purpose of said State Budget Commission, so as to be able to report to the adjourned session of the Legislature a well-defined financial plan for the State, and the several departments thereof, the objects and amounts of expenditures, the source and yield of revenues, and the way the expenditures and revenues are made to balance, and a General Revenue Bill, and make such other recommendations as it deems advisable, and said committee with the Budget Commission shall also investigate the financial condition of the several counties, shall require the county authorities to furnish said Committee with detailed statements showing the revenues of the counties and their indebtedness whether evidenced by bonds, warrants or otherwise, and the Committee shall report their findings to the Legislature, with recommendation for legislation to aid the counties in handling their financial affairs.

Approved Feb. 11, 1923.

No. 91)

(SJR-85. Powell.

SENATE JOINT RESOLUTION

Whereas in the year 1921, the United States Government announced its intention to construct a Government hospital for the care and treatment of disabled negro ex-service men, and showed a desire and intention to locate said hospital in the town of Tuskegee, Macon County, Alabama, because of certain local conditions existing there, which were thought to be most favorable to the proper functioning of such a hospital; and,

Whereas in line with that desire and intention, and for the purpose of over-coming a natural opposition on the part of the white people of Tuskegee to such a hospital, which was undesirable for many good and sufficient reasons, all of which are apparent and well known to the people of Alabama, the Government sent to Tuskegee a Representative who actively and diligently worked to overcome such opposition, and finally persuaded the people to permit said hospital to be constructed in their midst; and,

Whereas in accomplishing said purpose for which he was sent to said town, the said Government Agent, under written authority that was not questioned by the people, represented and guaranteed that said hospital would be absolutely controlled, managed and operated by white men, trained and experienced in the control of shell shocked and mentally weak ex-service men, and fully capable of handling them in such way as to prevent them from being a menace to the people of the community; further representing that said hospital would be controlled by men who were either of Southern birth and training, or who knew thoroughly and understood the problems confronting the Southern man in his dealings with the negro race, and who would be men that would preserve and maintain the control and supremacy of the white man, as had been so firmly maintained in said town during the years gone by; and,

Whereas in trust and confidence, the people of said town, both white and black, accepted said guarantee; welcomed said hospital; donated lands, rights of way, etc., without cost to the Government; and co-operated in every way possible to the successful construction and opening of said hospital; and,

Whereas said hospital was constructed, completed and opened, and a white staff and personnel put in charge, in accordance with the original plans of the Government, it being distinctly understood that negro nurses only would be used in said hospital to care for said negro men. Before said hospital began to function, an element of negroes, with certain white allies, caused

a halt in the proceedings, and insisted that the Government should turn said hospital over to negro officers, and put same under negro rule; and,

Whereas it has been announced officially that such might, or will be done, and that the pledge of the government to the people of Tuskegee will be broken, and the faith of the people of Tuskegee in the Government destroyed, and their local conditions upset and disturbed.

NOW THEREFORE, be it resolved by the Senate of Alabama, the House of Representatives concurring, that we, the Representatives of the people of Alabama, in Legislature assembled, do most solemnly protest against the now proposed plan of the Government as to placing a negro personnel in charge of the Government hospital at Tuskegee. We know that such will be disastrous in its effects, and that the result of such action will be to destroy the confidence of a trusting people in the good faith and honesty of purpose of the Government Officials; that it will arouse the suspicion of the white citizenship of the town as to the real desires and efforts of the negro officials at the Tuskegee Normal & Industrial Institute, and create a belief on the part of said citizenship that the negro officials at said Institute have not co-operated with the white people of the town to prevent such action on the part of the Government, but have either passively permitted same to be done, or actively assisted in having same done, in order that their race might receive certain temporary benefits therefrom.

Be it further resolved that the action of the Government in putting a negro personnel in charge of the hospital at Tuskegee, welcomed by the people in good faith, and constructed on land donated under a pledge of the Government, as above set forth, would be an unwarranted attack by the Government on the peace, quietude and welfare of said town of Tuskegee, and an unjust and unauthorized destruction by the Government of the spirit of harmony between two races that have lived together, side by side, in mutual friendship and co-operation, and desire to continue so to live. That negro control of the hospital, under circumstances as set forth above, would be a curse to the ex-service men to whom the Government owes a debt of gratitude; a curse to the negro race in its injurious effect upon the Tuskegee Institute, which is of much more permanent benefit to that race than the hospital can possibly be; and a curse to the innocent white people of the town of Tuskegee, who, in accepting the Government's pledge, have brought upon themselves a condition that will jeopardize the lives of many, make the homes of the citizens less safe and secure, make their town less desirable as a place of residence, and to large extent destroy the real happiness that they have experienced in the past in their home life and associations in the town of Tuskegee.

Be it further resolved that a copy of this resolution be sent by the Secretary of the Senate to the President of the United States, and to General Frank T. Hines, Director of the U. S. Veterans Bureau.

Approved July 13, 1923.

No. 92)

(S. 34—Hutson

To amend section 3627 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama: That section 3627 of the Code of Alabama of 1907 be and the same is hereby amended so as to read as follows: 3627. Power companies; additional powers conferred.—All corporations organized under the general laws of this state or heretofore under a special act of the Legislature, and all corporations organized under the laws of any other of the United States, and which have complied with the constitution and laws of the State of Alabama as to foreign corporations, and which by their charter have the right to manufacture, supply, and sell to the public, power produced by water as a motive force, shall, after acquiring by purchase or otherwise than by condemnation, a dam site or power site comprising not less than one acre of land upon each and opposite sides of any water course, or after acquiring by purchase or otherwise than by condemnation a dam site comprising not less than one acre of land upon one side of any water course and (where the dam site on the other side of such water course is owned or controlled by the United States) shall have acquired the permission of the United States to attach to or use the lock, dam, or other property owned or controlled by the United States for an abutment site on the other side of such water course, in addition to other powers conferred by law, have the following rights, powers, and authority: To acquire by condemnation the lands and rights necessary for the construction and operation of said dam, and works connected therewith or useful thereto, either up or down stream therefrom, and (in case of non-navigable streams) to construct and operate at said site, or other point up or down the stream therefrom, and across said stream, a dam, together with all works incident, necessary, or related thereto, and in connection therewith to impound or divert water of any water course or water courses of this State, and to raise higher such dam and to enlarge the works necessary, incident or related thereto, and to construct necessary, incident or related thereto, either up stream or down stream therefrom, as may be required or deemed expedient by such corporation, in the manufacture and supply of power produced by water as a

motive force. To acquire by condemnation all lands or waters or interests or rights or easements in lands or waters likely to be flooded or damaged by impounding or diverting the water of any water course in this state, or its tributaries, or necessary for the construction or operation of dams or power houses, or works necessary, incident, or related thereto, or likely or liable to be flooded or damaged by the construction or operation or enlargement of the dams, or works incident, necessary, or related thereto, or damaged or taken in the construction, operation or use of canals, tail-races, or exit ways necessary, useful or convenient for the escape, conveyance or return of the water used in the operation of the works or power plant. To acquire by condemnation the necessary lands for the sub-stations and transmission lines, but shall have no right to condemn a private residence, nor the out-house, garden, nor orchard within the curtilage of a private residence, for a sub-station site or for rights of way for its transmission line or lines. Such corporation shall have no right to condemn lands, water, or water rights in use for power purposes by another corporation upon the same water course, having similar powers and essential to its operations; or lands, water, or water rights held by such other corporation for power purposes where the lands, water or rights in themselves and taken alone or in connection with other lands, water, or rights owned by such other corporation can be made the reasonable basis of a water power development of at least one thousand continuous horse power; but may condemn lands, hydraulic structures, water, or water rights held by such other corporation at any point upon the same water course, unless the lands, structures, or rights in themselves and taken alone or in connection with other lands or rights owned by such other corporation can be made the reasonable basis of a water power development of at least five hundred continuous horse power, and may condemn lands, hydraulic structures, water, or water rights of such other corporation, at any point upon the same water course, in excess of such other corporation's actual facilities for using the same (independently of the actual or proposed works of the condemning party) for the manufacture of power by its plant as the same is already established at the time the condemnation proceeding is begun, provided the plant of such other corporation has been in operation for five years or more preceding the commencement of the condemnation proceedings. Nor shall such corporation have the right to condemn the lands, hydraulic structures, water, or water rights of any cotton factory, at any point upon the same water course, in actual and prior use by it for the operation of its plant; but may condemn the lands, hydraulic structures, water, or water rights of such cotton factory in excess of what is actually in use, or may be used at normal stages of the stream,

for the operation of its plant as already established at the time the condemnation proceeding is commenced. Such corporation may by condemnation acquire the right to flood grist mills and industries in connection therewith, together with lands and water rights appertaining thereto. In all cases just compensation shall first be paid to the owner in the manner provided by law for all property taken.

Approved July 20, 1923.

No. 93)

(SJR 87—Foster.

SENATE JOINT RESOLUTION

WHEREAS, by an Act of Congress each State is invited to place in Statuary Hall at Washington, D. C., the memorial statutes of two citizens of such state, who may be distinguished for exalted and patriotic service, and,

WHEREAS, the State of Alabama has only placed the statue of one of its citizens in said Statuary Hall,

THEREFORE, BE IT RESOLVED, by the Senate, the House concurring, that the distinguished services, both in war and in peace, of General Joseph Wheeler entitle him to this tribute of affectionate appreciation, and that his name be, and is hereby formally designated for commemoration by the erection of a statue of marble or bronze in said National Statuary Hall, showing General Wheeler in the uniform of a Confederate Soldier.

BE IT FURTHER RESOLVED, That the Governor of the State shall be and is hereby empowered to take the necessary steps to carry this resolution into effect; the cost of the statue and its erection to be borne by the family of General Wheeler.

Approved July 19, 1923.

No. 94.)

(S. 28—McNeil

To amend Section 1188 of the Code of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1188 of the Code of 1907 be, and is hereby amended so as to read as follows: 1188. In case of the absence of the Mayor from a city of six thousand or more inhabitants, or his inability to serve on account of sickness or any other good reason, the president of the Council, or the president pro tempore of the Council, in case of absence or disability of the President of the Council, shall act as Mayor pro tempore, with

the power and authority of the Mayor during such time. In the event of a failure or refusal of the president of the council, or the president pro tempore of the council, to act, the council may appoint one of its members to act as mayor pro tempore with like effect, which appointment shall be entered in the minutes of the council. In the event of a vacancy, from any cause, in the office of Mayor, the president of the council shall succeed to the office of Mayor for the unexpired term; in the event of a vacancy in the office of the president of the council, the president pro tempore shall, in like manner, be president of the council for the unexpired term; in the event of a vacancy in the office of the president pro tempore, the office shall be filled from the membership of the council. In cities of less than six thousand inhabitants, and in towns, in case of the absence or disability of the Mayor, the functions of the office shall be exercised by the chairman pro tempore of the council, and during his absence or disability, by such person as the council may appoint from its membership, which appointment must be entered upon the minutes of the council. In the event of a vacancy from any cause, in the office of Mayor, the chairman pro tempore shall succeed to the office of Mayor for the unexpired term; in the event of a vacancy for any cause in the office of chairman pro tempore, the office shall be filled from the membership of the council. The provisions of this Act shall not apply to cities operating under commission form of government.

Approved July 20, 1923.

No. 95.)

(S. 78. Martin.

AN ACT

To provide for loading, shipping and sale of watermelons and prescribing penalties for the violation thereof.

Section 1. *Be it enacted by the Legislature of the State of Alabama:* that from and after the passage of this Act it shall be the duty of every person, or persons, firm or corporation, loading watermelons into cars for transportation, before loading such watermelons, to count and weigh the same, and upon such loading being completed to make out and sign two statements of the weight of such watermelons and the number thereof contained in such car. One copy of such statement shall be securely attached to car and the other copy thereof shall be attached to the bill of lading for said car, and delivered to the consignee or purchaser thereof at his request.

Section 2. It shall be unlawful for any person, or persons, firm or corporation to ship, sell or offer for sale any carload of

watermelons without the statements set out in the last section having been made out and one copy thereof being delivered to the purchaser or consignee of such watermelons, if he shall request it, provided that in lieu of the statement as to weight required under this Act a sworn affidavit to the effect that no wagon, or truck scales, or other practicable means for weighing are located within three miles of the gathering or shipping point, may be executed and attached, but in every case the statement as to count shall be made as requested under this Act.

Section 3. Any person, or persons, firm or corporation who shall fail to comply with any provision of this Act, or who shall make out any false statement in reference to the contents of said car or the weight thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, to which may be added imprisonment in the County Jail for not less than thirty (30) days nor more than ninety (90) days.

Section 4. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. This Act shall go into effect when signed and approved by the Governor. Provided, that this Act shall not be construed to relate or apply to interstate shipments.

Approved July 27, 1923.

No. 96.)

(H. J. R. 78. Ashcraft of Lauderdale.

HOUSE JOINT RESOLUTION.

WHEREAS, Senator Oscar W. Underwood will address the Legislature in joint session on July 31st.

THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that a Reception committee is hereby created to be composed of the Lieutenant-Governor, the President Protem of the Senate, the Speaker of the House, and two members of the House to be appointed by the Speaker of the House, and that the Governor be and is hereby requested to act as chairman of the said reception committee.

Approved July 27, 1923.

No. 97.)

(H. J. R. 13. Burns.

HOUSE JOINT RESOLUTION.

RESOLVED by the House, the Senate concurring, that

1. A joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby created, to

consist of two members from the Senate to be appointed by the Presiding Officer of the Senate, and three members from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of the matters hereinafter referred to. The members of the committee shall be paid the same per diem and mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as a member of the committee; and shall have power to summon witnesses and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed study of the subject herein referred to.

2. The committee shall fully consider and carefully prepare a constructive and practical system of agricultural legislation for the State of Alabama.

3. The committee shall make a full and detailed report of its investigations, recommendations, findings and plans pertaining to agricultural legislation, and prepare a bill or bills embodying its recommendations to be introduced in the Legislature immediately upon the reconvening of the Legislature after the recess. In its discretion the committee may cause its report to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

Approved July 27, 1923.

No. 98.)

(H. J. R. 72. Cato.

HOUSE JOINT RESOLUTION.

WHEREAS, since shortly after the close of the War between the States, when brave men on both sides said the War should end, Alabama and her citizens have rivaled any State, North or South, in their effort and sincere purpose to do all within their power to co-operate (in spite of all the sorrow and poverty that first existed) in the rebuilding of the Union, and in the restoration of peace, and to live up to the high principles of Americanism; thus making this County what our Forefathers intended it to be—the glory of the World, and a blessing to all humanity; and evidencing these high principles this State has rendered its material and substantial services whenever called upon by the National Government as in the days of the war with Spain, and in the dark days of the World War, and

WHEREAS, Mrs. Lillian R. Maugans, who is the Postmistress of the United States Post Office in the City of Eufaula is the author of the following letter:

Eufaula, Ala., May 31, 1923.

"Yesterday being Decoration Day, we drove over to Andersonville, about 80 miles thru the country. The Eufaula people are the nicest in the world but when national holidays come I feel we are indeed strangers in a strange land, as we are the only Northern people in the city. The post office being the only business closed for the day, these strictly Southern cities do not care to observe World War heroes' celebration on May 30, so they celebrate on April 26, I was obsessed with a longing to celebrate in the good old way. I longed to hear martial music and once more see the 'boys in blue' instead of gray marching to the cemetery. The nearest spot was the national cemetery at Andersonville, Georgia, so we left home right after dinner and got there at about 3 p. m. To the daughter of a Federal soldier and the step daughter of the loyal J. W. Thatcher, who never tired telling us of the days of the Civil War when he fought in this part of the country, the sight was most wonderful—13,500 graves, each with its headstone bearing name and state of soldier, each one decorated by the ever grateful Uncle Sam with flag and flowers. The Superintendent gave me some roses to send my mother, when I told her she was the wife of two loyal Federal soldiers. The different states have erected monuments all over the grounds and up there among the magnolias a few yards from the horrors of the prison camp they are sleeping in one of nature's most beautiful spots. Down in the little town of Andersonville at the foot of the hill whereon is located the national cemetery whose flag may be seen for miles around stands the monument to the General Wirz, who, according to the Northern history, was the cause of all the misery and horror of Andersonville prison. In Southern annals, however, he is a hero, and this monument of 'a brave Confederate soldier.' During the World War, some soldiers painted the monument yellow and I am not ashamed to say I felt 'kinder glad they had the nerve' when I saw it yesterday. It just seemed such a fitting color."

Which said letter contains statements that are insulting to the South and her noble traditions, and which said letter contains statements which are insulting to true Americanism, and contrary to the ideals of patriotism fostered by our Government; and

WHEREAS, it is a source of shame and indignation to the citizens of this State to have a person who entertains such degrading and insulting ideas of our proud past and true patriotism, as an officer of one of our great Government Departments here in our midst.

THEREFORE, Be it Resolved by House of Representatives, the Senate concurring, That the action and words of the said Mrs. Maugans, are hereby heartily, severely and sternly condemned, and is hereby declared that said declaration on her part

is unjustly insulting to the South and the National Government and is unpatriotic and un-American.

Be it Further Resolved, That, the proper Governmental Departments be urged to remove the said Mrs. Maugans as such officer for said words and action on her part—they being unbecoming to any good American Citizen.

Be it Further Resolved, That, the Secretary of State is hereby instructed to forward an exemplified copy of this resolution under the great seal of the State, to the President of the United States, to the Vice President of the United States, each Representative and Senator of the State of Alabama in our National Congress, and to the Postmaster General of the United States.

Approved July 27, 1923.

No. 99.)

(H. J. R. 67. Long of Butler.

HOUSE JOINT RESOLUTION.

RESOLVED by the House, the Senate concurring, that it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.

Approved July 27, 1923.

No. 103.)

(H. 240. Fite.

AN ACT

To fix the compensation of members of the Board of Revenue in all counties of Two Hundred Thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

Be it enacted by the Legislature of Alabama that the President of the Board of Revenue of Counties having more than Two Hundred Thousand population according to the last Federal Census or any subsequent census shall receive a salary of Five Thousand Dollars (\$5,000.00) per annum, and the associate members of such Board of Revenue shall receive a salary of Four Thousand Eight Hundred Dollars (\$4,800) per annum, all of said salaries to be paid in equal monthly installments out of the County Treasury of such county on the certificate or warrant signed by the President of said Board. All laws in conflict herewith are hereby repealed, and this act is to take effect upon its passage and approval by the Governor.

Approved July 24, 1923.

No. 105.)

(H. 299. Luck of Shelby County.

AN ACT

To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Section 1. *Be it enacted by the Legislature of Alabama*, That in all felony cases where the defendant is sentenced to the penitentiary for a period of ten years or less and an appeal is taken, pending such appeal the defendant shall be entitled to bail in such sum as may be prescribed by the court with sufficient surety conditioned for his appearance at the next term of the court in which the conviction was had, and from time to time thereafter, to abide such judgment as may be rendered on the appeal; and the provisions of this act shall also apply to convictions already had in the courts of this State.

Section 2. All laws providing for the forfeiture of bail and for the arrest of the defendant, shall apply in case of the failure of the defendant to appear according to the undertaking and the same proceedings may be had thereon as provided by the Code of Alabama.

Section 3. This law shall go into effect as soon as approved by the Governor.

Approved July 27, 1923.

No. 109.)

(H. 269. Goodwyn.

AN ACT

To require the Teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. In all public and private schools located within the State of Alabama, commencing with the school year, next ensuing after the passage of this Act, there shall be given regular courses of instruction in the Constitution of the United States.

Section 2. Such instruction in the Constitution of the United States shall begin not later than the opening of the Eighth Grade, and shall continue in the High School course and in courses in state colleges, universities and the educational departments of state and municipal institutions to an extent to be determined by the Superintendent of Public Instruction.

Approved July 27, 1923.

No. 112.)

(H. 74. Pickens.

AN ACT

To amend Section 6958 of the Criminal Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That section 6958 of the Criminal Code of Alabama, 1907, be and the same is hereby amended so as to read as follows: "Section 6958,—Open and closed season as to game birds.—No person or persons shall injure, kill, hurt or destroy by any means whatsoever, or have, or be in possession of, except as expressly permitted by the provisions of this Code, the following named game birds, except between the following dates: Wild turkey gobblers, December 1st to April 1st, following; quail (bob white, partridges), from November 20th to February 20th, following."

Section 2. That no person shall injure, kill or hurt or destroy by any means whatsoever, or have, or be in possession of the following named migratory game birds, except between the following dates: Doves, October 16th to January 31st; duck, geese, brant, plover, Wilson snipe, yellow-legs, coot and mud-hen, November first to January thirty-first; woodcock, from November first to December thirty-first, rail, other than gallinules, September first to November thirtieth; provided this Act shall not be construed so as to authorize or legalize the taking, capturing, killing, injuring, destroying, having or being in possession of any of the migratory game-birds, named in this Section, at any time and in any manner prohibited by the Federal law or regulations based thereunder, but that the taking, capturing, killing, injuring, destroying, having or being in possession of any of the Migratory game-birds, named in this Section, in violation of the Federal law and the Regulations based thereunder shall be a violation of the State law.

Section 3. Any person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty (\$20.00) dollars nor more than fifty (\$50.00) dollars for each offense.

Section 4. All laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 5. This Act shall become effective upon its passage and approval by the Governor."

Approved July 30, 1923.

No. 113.)

(S. 225. Teasley.

AN ACT

To fix the salary of judges of probate in all counties in this state which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last federal census or any such census which may hereafter be taken and to regulate the payment of same; To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of Probate: And to require all of said judges of probate to pay into the County treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of all Judges of Probate in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census, or any such census which may hereafter be taken, shall be six thousand dollars per annum net, and an allowance of ten thousand six hundred dollars per annum for office help as follows: One clerk at twenty-four hundred dollars per annum; two clerks at eighteen hundred dollars per annum each; three clerks at twelve hundred dollars per annum each; and one thousand dollars per annum for other expenses and ex-officio services of said judges of probate. The said one thousand dollars to be paid to the said judges of probate in monthly installments and disbursed by him.

Section 2. That all of said judges of probate shall pay into the County treasury of said counties, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid. The Courts of County Commissioners, boards of revenue and other courts of like jurisdiction shall have the power and authority, and it shall be their duty to audit the accounts of said probate judges for the purpose of requiring a strict compliance with the provisions of this Act.

Section 3. That all compensations and salaries of the judges of probate mentioned in this Act, and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the several counties affected, in monthly installments.

Section 4. That the premiums on said judges of probate bonds, and the bonds of their clerks shall be paid out of the general funds of the several counties affected.

Section 5. That the amounts to be paid to the several judges of probate by way of allowances or salaries under this Act, shall not exceed the amount of fees, charges and commissions earned and collected by such judges of probate and paid into the county treasury during their term of office, less the cost of the conduct and operation of such offices, provided that the Courts of County Commissioners, board of revenue or other courts of like jurisdiction may pay the monthly salaries of the said judges of probate and their clerks mentioned in this Act in anticipation of fees actually earned for services rendered.

Section 6. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved July 31, 1923.

No. 117.)

(H. 176. Goodwyn.

AN ACT

To provide for the appointment of official court reporters for circuit courts by the Judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Be it enacted by the Legislature of Alabama:

Section 1. That each of the circuit judges of each judicial circuit of this State composed of one county and having two circuit judges is hereby authorized and directed to appoint a competent shorthand writer to perform the duties of official court reporter of the courts in the circuit over which said judge presides; that no two judges shall appoint the same court reporter; that no person shall be appointed official or special court reporter under the provisions of this Act who is not able to correctly report in shorthand the proceedings in all trials as the same may occur and neatly and expeditiously transcribe on the typewriter the testimony taken by him. Said official court reporter shall be an officer of the court, and within his circuit shall have the power to administer oaths, and he shall hold office for the term of the judge appointing him; provided, however, that the judge of said court shall at any time, have power to remove said official court reporter upon proper charges entered of record, for incompetency or misconduct, or other good cause, specifying such incompetency or misconduct, and giving such reporter an opportunity of being heard. Provided, said court reporter shall not be related to the trial judge within the

fourth degree of consanguinity or affinity, and any appointment of a court reporter so related to the trial judge within the prohibited degree shall be void.

Section 2. It shall be the duty of such official court reporter to attend in person, except as otherwise herein provided, the sessions of the court held in the circuit for which he is appointed, and in every case where directed by the judge or requested by a party thereto he shall take full stenographic notes of the oral testimony and proceedings, except argument of counsel, and note the order in which all documentary evidence is introduced, all objections of counsel, and the rulings of the court thereon and exceptions taken or reserved thereto. He shall take testimony given orally in open court when directed by the said judge to do so. When directed by the said judge he shall attend the investigations of the grand jury; and there take such notes of the testimony as directed by the solicitor or foreman. The original stenographic notes of such court reporter in each case or proceedings officially reported shall be preserved and treated by him as a part of the records of the Court and upon his retirement from office shall be turned over to the clerk of such court. He shall furnish within thirty days or such other time as the judge may prescribe, to any party to a cause reported by him, upon written demand being made for the same, a typewritten transcript of his stenographic notes or any part thereof, except proceedings before the grand jury, upon the payment by the party making such demand of a transcript fee of fifteen cents for each one hundred words thereof and for each carbon copy made at the same writing five cents for each one hundred words thereof; provided that such court reporter shall not be required to perform any part of such service until the payment thereof is assured; and provided further, the said judge shall not be estopped from taxing as costs against any one or more parties to such cause or proceedings the expense of such transcription, in whole or in part, and when collected by the clerk or register of the court shall be turned into the county treasury. When directed by said Judge, said official court reporter shall attend and officially report the preliminary hearing of all capital cases tried in the circuit for which he is appointed, and upon demand by the solicitor of said circuit therefor, such court reporter shall, within thirty days after such demand, furnish to the solicitor of said circuit a typewritten transcript of his stenographic notes or any part thereof of such preliminary hearings, no charge to be made by such court reporter for such transcript so furnished to said solicitor; provided, however, that said court reporter shall not be required to furnish a transcript or any part thereof to any defendant in said preliminary hearings except upon payment of the transcript fee provided for in this section. In all appealed cases the court

reporter shall file with the clerk of the court within thirty days after such appeal one typewritten copy of the oral charge delivered by the judge to the jury therein, no charge to be made by the court reporter for such copy.

Section 3. Should the official court reporter herein provided for, on account of sickness or other cause, be unable to report the testimony of any trial as provided in this Act, the judge of the court shall have authority to appoint a special reporter to serve until the official court reporter can resume his duties in such court, the compensation of such special reporter to be the same and paid in like manner as herein provided for official court reporters; provided, that such court reporter shall, when not engaged in the discharge of his official duties, be subject to the direction of any judge of said circuit, it being the intention and purpose of this provision to avoid the necessity of appointing a special reporter whenever any official court reporter of the the circuit is available.

Section 4. That in all cases reported by an official court reporter or special reporter there shall be taxed as part of the costs of the case a fee of five dollars for each day or fraction thereof that such reporter shall be engaged in reporting a case, to be collected as costs as in other cases, and when collected paid by the clerk or register of the court into the county treasury of the county.

Section 5. That such official court reporter shall receive a salary of twenty-one hundred dollars per annum, payable in equal monthly installments by the county composing the circuit; such payment to be made on certificate issued by the judge of the court in favor of such official reporter for the respective amounts due each month, the same to be paid by the treasurer of the county out of the general funds thereof on presentation in the same manner as jurors certificates are now paid.

Section 6. That before any official court reporter or special reporter shall enter upon the duties of his office he must subscribe to an oath to support the Constitution and Laws of the State of Alabama and to faithfully perform all the duties of such office.

Section 7. That all stationery and supplies to be used by such official or special reporters in their capacity as such shall be furnished and paid for by the county composing the circuit in the manner herein provided for the payment of the salaries of such official and special reporters on requisition signed and approved by the judge of the court.

Section 8. That if any paragraph, provision or section of this Act shall be held or declared to be invalid or unconstitutional, the same shall not affect any other paragraph, provision or section.

Section 9. That all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 10. That this Act shall become effective immediately upon its passage. Provided, however, that said official court reporter shall be required to reside in the circuit for which he is appointed during the period of his service.

Approved August 1, 1923.

No. 118.)

(S. J. R. 105. Craft.

SENATE JOINT RESOLUTION

WHEREAS, the press reports show that President Harding has had to abandon his trip on account of illness,

THEREFORE BE IT RESOLVED by the Senate of Alabama, the House concurring, that the Legislature of Alabama extends to the President and to Mrs. Harding its sincere sympathy and hope for a speedy recovery.

BE IT FURTHER RESOLVED, That the Governor of Alabama, Hon. W. W. Brandon, is hereby requested to transmit these sympathetic resolutions to President and Mrs. Harding.

Approved July 31, 1923.

No. 120.)

(H. 150. Smith of Jefferson.

AN ACT

To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the Sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailors; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailors; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose compensation is to be fixed by the board of revenue, and paid out of the general fund; and providing when and how this act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of the State of Alabama having a population of 200,000 or over, according to the last Federal

census or any subsequent Federal census, that the sheriff of such County shall not be taxed with or liable for cost, fees or charges of courts, when such sheriff in his official capacity, or for acts done under color of his office, is made a party defendant to any action at law or at chancery; provided, however, that such sheriff shall be liable for the witness fees of witnesses summoned in his behalf when such sheriff is cast in the suit.

Section 2. That the number of the deputies of the sheriff of such county, guards and jailors, shall be fixed by the sheriff of such county, provided, however, that the board of revenue of such county shall fix the compensation of such deputies, guards and jailors who may be appointed by such sheriff; that the sheriff of such county shall have the exclusive right to select and discharge the said deputies, guards and jailor, and that they be under his control. That this Section shall not affect the powers or duties of the sheriff under Section 7518 of the Code of Alabama.

Section 3. Be it further enacted that in such counties all deputy sheriffs shall enter into bond in the penal of \$2,000.00 payable, conditioned and approved as is the bond of the sheriff, and such bond shall be recorded, held and governed in all respects by the laws of this state relating to official bonds insofar as said laws are applicable.

Section 4. Be it further enacted that the sheriff of such county shall not be liable for the acts of his deputies unless he participates in such acts or the same are done in compliance with his orders or with his knowledge and consent; provided, however, that the sheriff and the sureties on his bond shall be liable for the misappropriation of money collected by any deputy sheriff under color of his office or in the course of his employment.

Section 5. Be it further enacted that in the event the bond of the sheriff or any deputy in such county shall be executed by a guaranty, surety or bonding company, as surety, the amount of the annual premium to be paid to such company in consideration of such suretyship shall be paid by such county out of the county treasury as other obligations of such county are paid.

Section 6. That all monies received, or fees, commissions or charges of the sheriff shall be paid into the general fund of the county treasury, as other monies due the county, and that the county shall pay the compensation of the sheriff and the deputy sheriffs, guards and jailors, and such compensation shall be paid from the general fund of such county.

Section 7. Provided that the board of revenue of such counties shall pay the monthly salaries of the sheriff, the deputies, jailors and guards, for services rendered, out of the general fund of the county.

Section 8. That the sheriff is authorized to employ an attorney to advise and represent him in his official capacity, and such attorney shall be paid by the county out of the general fund of such county, the amount of his compensation to be fixed by the board of revenue, and to be paid in monthly installments.

Section 9. That all monies, under existing laws, or any law hereafter enacted, which are payable to sheriffs for feeding prisoners shall be paid into the treasury of such county, and the board of revenue of such county shall have charge and control of feeding the prisoners of such county, and shall make necessary rules and regulations to make this provision effective.

Approved August 2, 1923.

No. 121.)

(S. J. R. 104. Craft.

SENATE JOINT RESOLUTION.

Whereas under the Acts of Congress, the several states can only obtain Federal Aid in the construction of public roads on seven per cent of the gross road mileage of said states and said states are required to certify to the Secretary of Agriculture the gross road mileage of the states as of the date of the passage of the Federal Aid Act of 1921 and said states are also required to make a map of the state showing said Seven Per Cent Federal Aid System and submit the same to the Bureau of Public Roads for its approval, and

Whereas in an effort to comply with said Act of Congress a certificate from the Highway Department was filed with the Bureau of Public Roads at Washington indicating that seven per cent of the gross road mileage of Alabama was only 3,959 miles which certificate was based upon information furnished by the several courts of county commissioners of Alabama, which was afterwards ascertained to be incorrect and which information was afterwards proven to be incorrect by the United States Statistical Survey of Alabama, which survey showed the correct seven per cent road mileage of the state to be 4,077, and,

Whereas the State Highway Department has requested that it be allowed to correct said certificate, making the same 4,077 which is the just, true and correct seven per cent road mileage of Alabama, and the said Bureau of Public Roads to refuse to allow said State Highway Commission to file a correct certificate deprives Alabama of 118 miles of road on which it is entitled to receive Federal aid and to which it is justly entitled,

Therefore be it resolved by the Senate, the House concurring, that the Legislature of Alabama hereby memorializes the Secre-

tary of Agriculture and the Chief of Bureau of Public Roads to grant a hearing to the State Highway Department of Alabama and permit it to present through its appointed representatives evidence and facts of the true and correct road mileage of Alabama to the end therefore that it may be allowed to withdraw the erroneous certificate and file a corrected certificate, giving Alabama the correct mileage to which it is entitled.

Be it further resolved that copies of this resolution be promptly forwarded to Honorable Henry C. Wallace, Secretary of Agriculture at Washington, D. C. Thomas H. MacDonald, Chief of the Bureau of Public Roads, Washington, D. C., and A. E. Loder, District Engineer, Montgomery, Alabama.

Approved August 3, 1923.

No. 122)

(H. J. R. 93. Tunstall

HOUSE JOINT RESOLUTION

WHEREAS, the Honorable Oscar W. Underwood is the candidate of the State of Alabama for the Democratic nomination for the Presidency of the United States, and

WHEREAS, it is desired to use all proper efforts to further his candidacy,

THEREFORE BE IT RESOLVED by the House, the Senate concurring, that a committee consisting of the Governor, the Chief Justice of the Supreme Court, the Lieutenant-Governor, the President pro tem of the Senate, the Speaker of the House, and five members of the Senate and nine members of the House to be appointed by their respective presiding officers, and the Chairman of the State Democratic Executive Committee, be and the same hereby is raised, to visit the State of Georgia while its Legislature is in session to present to the Democrats of Georgia the claims of our candidate and to invite the hearty cooperation of our fellow Democrats of Georgia in securing his nomination.

Approved August 8, 1923.

No. 123)

(H. J. R. 92. Walton.

HOUSE JOINT RESOLUTION

WHEREAS, no memorial has been erected in the memory of those who gave their life for their country's cause during the World War, and

WHEREAS, many of those who made the supreme sacrifice

were alumni of Alabama's two greatest State educational institutions, the University of Alabama and the Alabama Polytechnic Institute,

NOW THEREFORE, for the purpose of raising funds to erect a stadium as a memorial to these heroes on the campus of the Alabama Polytechnic Institute and on the campus of the University of Alabama;

BE IT RESOLVED, that the President of the University of Alabama and that the President of the Alabama Polytechnic Institute be requested to arrange a post season foot ball game between the teams of the two institutions and that the funds derived from such game be divided equally between said institutions for the purpose of creating a fund to be devoted to the erection of such memorial stadium;

BE IT FURTHER RESOLVED, that the Presidents of said Institutions be requested to report to the Governor of Alabama within two weeks after the passage of this resolution whether or not they will consent to the arrangements proposed by this resolution.

Approved August 8, 1923.

No. 124)

(H. J. R. 89.) Ashcraft of Lauderdale

HOUSE JOINT RESOLUTION

WHEREAS the hours for service in the Capitol have been stated as running from 8:30 A. M. to 5 P. M., and

WHEREAS the members of the Legislature are here for the purpose of transacting the business of the State with all possible speed, and

WHEREAS the Legislature have called to their assistance clerks,

THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that if any clerk absents himself or herself from the Capitol during the above-stated hours without leave of the Chairman of the Committee which he or she serves or other official in charge of the work of said clerk, his or her name shall be immediately dropped from the roll, and the Speaker of the House or the President of the Senate notified in order that the place of said clerk may be filled by some competent person, and no further pay shall be allowed such discharged clerk.

Approved August 8, 1923.

No. 125.)

(S. J. R. 107. Martin.

SENATE JOINT RESOLUTION

RESOLVED, by the Senate of Alabama, the House of Representatives concurring, that the Legislature of Alabama has learned with deepest regret, of the death of the President of the United States, and deplores the nation's loss in the sudden demise of its great Chieftain, and as a mark of respect in memory of our President, that the Legislature of Alabama shall stand adjourned when the hour of 12 M. arrives on this the 3rd of August, 1923.

Approved August 8, 1923.

No. 126.)

(S. J. R. 108. Martin.

SENATE JOINT RESOLUTION

RESOLVED by the Senate of Alabama the House of Representatives concurring, that the Governor of Alabama is hereby requested to send by telegram to Mrs. Warren G. Harding, the resolution adopted by the Legislature of Alabama on the death of her distinguished husband, and that the Secretary of State of Alabama, is requested under the Seal of the State to transmit copies of said resolution to Hon. George B. Christian, Secretary to the late President, Hon. Chas. E. Hughes, Secretary of State, and Mrs. Warren G. Harding, the President's grief stricken widow.

Approved August 8, 1923.

No. 127.)

(S. J. R. 110. Ellis.

SENATE JOINT RESOLUTION

WHEREAS, our fellow Democrats of Georgia desire that the Democratic National Convention of 1924 be held in the City of Atlanta, and

WHEREAS, it would be highly gratifying to the people of Alabama to see the claims of Georgia upon the party thus honored,

THEREFORE BE IT RESOLVED, by the Senate, the House concurring, that the Legislature of Alabama endorses the candidacy of the City of Atlanta to be selected as the place of holding the next Democratic National Convention, and respect-

fully recommends its selection for such purpose to the National Committee.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Governor and Legislature of Georgia, the Mayor of Atlanta, the Chairman of the Committee for securing the Democratic Convention for Atlanta, and the Chairman and Alabama members of the National Democratic Committee.

Approved August 8, 1923.

No. 131.)

(S. 248. Waddell.

AN ACT

To provide the form of the government of a municipality where the corporate limits of a municipality are altered or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

Be it enacted by the Legislature of Alabama:

Section 1. Where the corporate limits of a municipality are altered or re-arranged so as to include territory embraced in another municipality which latter municipality lies within a different county from the municipality whose corporate limits are altered or re-arranged, that such municipalities shall be governed by a commission form of government consisting of five city commissioners who shall be appointed by the Governor immediately upon the altering or re-arranging of the corporate limits. Two of said commissioners shall hold office for a term of two years and until their successors are elected and qualified. Three of said commissioners shall hold office for a term of four years and until their successors are elected and qualified. That the term of the commissioners elected to said office shall be for a period of two years.

Section 2. Said city shall be governed and controlled under the general law of the State of Alabama applicable to cities of like population which have adopted the commission form of government.

Section 3. At the first meeting of the governing authorities of a municipality, whose corporate limits have been extended so as to include the territory of another municipality, after such extension of its corporate limits, said governing authority shall have the power to change the name of the municipality, the corporate limits of which were extended so as to include the territory of another municipality. A certified copy of the ordinance fixing said name shall be certified to the probate judge of the county or counties in which such city is situated and to the Secretary of State.

Approved August 9, 1923.

No. 132.)

(S. 249. Waddell.

AN ACT

To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

Be it enacted by the Legislature of Alabama:

Section 1. That when the corporate limits of a municipality include territory in different counties, appeals taken from the recorder's court, courts of like jurisdiction, of such municipalities shall lie to the circuit court of the county in which the offense or violation of law or of a city ordinance was committed.

Section 2. It shall be the duty of the recorder of such municipality or the person acting as the judge of the court with similar jurisdiction as that of the recorder's court, to ascertain upon the trial of any person charged with the commission of an offense or violation of law or of a city ordinance, the county in which such alleged act was committed, and to make a matter of record of the same by entering on the judgment entry in such cases the county in which such offense was committed.

Approved August 9, 1923.

No. 133.)

(H. 412. St. John.

AN ACT

To provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. Board of Commissioners Established: There is hereby established a Board of Commissioners of the State Bar, consisting of as many members as there are judicial circuits to hold office for three years and to be elected in the manner hereinafter provided.

Section 2. Selection of Commissioners. The Board of Commissioners shall be selected by the members of the State Bar, who shall vote by ballot. Each judicial circuit of the State of Alabama shall be entitled to a commissioner on said Board of Commissioners, and no judicial circuit shall have more than one commissioner. If hereafter additional judicial circuits are constituted, such additional circuits shall be entitled to a commissioner on said Board. The ballots shall be deposited in person or by mail with the Secretary of the Board or such other officer as it

may designate. There shall be an annual election held on the 2nd Tuesday of October of each year, and continuing for such time as may be provided by rules of said Board and as may be reasonably necessary to give those entitled to vote an opportunity to cast their ballot, for the purpose of selecting successors to the Commissioners whose terms expire and for the purpose of filling vacancies. The Board shall prescribe rules and regulations in regard thereto not in conflict with the provisions of this Act. The Board shall in accordance with its rules, give at least sixty days' notice of the time for holding the election each year. In the first election, and in all elections thereafter, the commissioners for the respective judicial circuits shall be elected by the Members of the Bar of the respective circuits, voting by ballot in the annual election hereinabove provided for.

Section 3. First Election of Board. For the purpose of the first election of commissioners the Clerk of the Supreme Court of Alabama, the Clerk of the Court of Appeals of Alabama and the Court Reporter of the Supreme Court of Alabama, shall constitute an election and canvassing board. If for any reason any members of said election and canvassing board cannot serve, the vacancies thereto shall be filled by the Chief Justice of the Supreme Court of Alabama. They shall, immediately upon the enactment and approval of this Act, (a) Set a time for closing the voting not less than sixty days from the time of notice to the Members of the State Bar whose names appear on the roll of attorneys of the Supreme Court of Alabama; (b) Notify all such members by mail of the time for voting and the time for closing nominations, which latter time shall be thirty days from the time of mailing notice; (c) Receive nominations and prepare a ballot containing the names of all persons nominated according to the provisions for nominations hereinafter set forth; the ballot shall be so prepared as to submit to the members of the State Bar of the respective circuits the candidates for commissioner as representing such judicial circuits; (d) Mail such ballot to every Member of the State Bar whose name appears on the roll of attorneys of the Supreme Court of Alabama, at least fifteen days before time for closing the voting; (e) Adopt such regulations and rules as they deem best to insure a fair and full vote of all lawyers entitled to vote and a fair and correct return and canvass of such votes. (f) Receive and canvass the vote and certify the names of the candidates in each of the respective circuits receiving the largest number of votes in the respective circuits to the Secretary of State as the first Board of Commissioners. The Secretary of State shall announce the names of these elected and notify each one of his election.

Section 4. Nominations. Nomination to the office of Commissioner shall be by written petition of any five or more members of the Bar in good standing who reside in the circuit where such nominee resides. Any number of candidates may be nominated on a single petition. For the purpose of the first election the petitions shall be sent through the mails to the Clerk of the Supreme Court of Alabama. Thereafter such nominating petition shall be mailed to the secretary of the Board of Commissioners within a period to be fixed by the rules made by the Board of Commissioners. Any attorney may become a candidate for membership on said Board from the circuit of his residence by filing a written declaration in the same manner as the nominations are required to be filed.

Section 5. Organization of the Board. On the fourth Tuesday following the certification of their names the first Commissioners shall meet at the office of the Clerk of the Supreme Court of Alabama and organize by the selection of the following officers of the State Bar and its Board of Commissioners, namely: A president, a first and second vice-president and a secretary. The Commissioners shall be divided into three groups holding office for one, two and three years, respectively, and at the first meeting their terms shall be determined by lot. Their successors shall hold office for three years. The Board of Commissioners is authorized to appoint a secretary, if it so desires, a person who is not a member of the Board of Commissioners or not a member of the Bar. The Secretary shall be the only paid officer of the Board and shall be paid such salary as in its judgment it deems best, not exceeding the sum of three hundred dollars per month.

Section 6. Authority Conferred. The Board of Commissioners shall have power to determine, by rules, the qualifications and requirements for admission to the practice of law, and to conduct through a board of examiners, hereinafter provided for, the examination of applicants, and they shall from time to time certify to the Supreme Court and to the Secretary of the Board of Commissioners the names of those applicants found to be qualified. The educational qualifications of applicants and subjects to be examined upon shall be, as now, or as may hereafter be, provided by law. Such certifications shall entitle such persons to be enrolled in the Bar of the State and to practice law, provided the fees hereafter required are paid. The Board shall, subject to the approval of the Supreme Court, formulate rules governing the conduct of all persons admitted to practice and shall investigate and pass upon all complaints that may be made concerning the professional conduct of any person who has been or who may hereafter be admitted to the practice of the law, and subject to like approval formulate rules governing the re-instatement of members of the Bar who have been disbarred and pass

upon all petitions for re-instatement. Said Board shall have power to appoint one or more committees to take evidence on behalf of the Board and forward the same to the Board. In all cases involving suspension, exclusion or disbarment, testimony in reference thereto shall be taken at the Court House of the County of the residence of the party charged, provided the evidence of witnesses residing outside of said county may be taken in the same manner as provided by law for the taking of depositions in civil cases. In all cases in which the evidence, in the opinion of a majority of the Board, justifies such a course, they shall take such disciplinary action by public or private reprimand, suspension from the practice of law, or exclusion and disbarment therefrom, as the case shall in their judgment warrant, provided that in case of exclusion and disbarment two-thirds of the Board shall vote affirmatively before the exclusion and disbarment become effective and provided further that said Board shall not have jurisdiction over anything which may have occurred before the passage of this act. The Supreme Court may, and on petition of the party aggrieved must, in any case of suspension or disbarment from practice, review the action of the Board, and may, on its own motion, and without the certification of any record, inquire into the merits of the case and take any action agreeable to their judgment. Rules regulating the manner of such review and providing for the certification of the evidence, or if the Supreme Court desire, the taking of additional evidence shall be promulgated by said Board and become effective upon approval by the Supreme Court. The Board of Commissioners shall also have power to make rules and by-laws not in conflict with any of the terms of this Act concerning the selection and tenure of its officers and committees and their powers and duties, and generally for the control and regulation of the business of the Board and of the State Bar. Said Bar shall also have authority to hold and conduct educational and social meetings and activities among the members of the Bar, to publish journals and generally to do such things as in their judgment may tend to improve the educational and ethical standing of Bench and Bar. Should any vacancies occur on said Board it shall have the authority to fill such vacancies by appointment of a member of the State Bar from Judicial Circuit in which said vacancy exists and such appointee shall hold for the time of the unexpired term or pending the election of their successors. Said Board shall have authority to establish Circuit or Branch Associations of the State Bar and if Circuit Associations are established, the member of the Board from said Circuit shall be ex-officio the President of such Circuit Association. Said Circuit or Branch Association shall have no authority to suspend or disbar attorneys and in all matters shall be subordinate to the authority of the Board. If any mem-

ber of said board is a party to the preferment of charges for disbarment or suspension of any lawyer, or there exists as against any member of such board any cause provided by law for the disqualification of judges or jurors in civil or criminal cases, such member shall be disqualified from sitting as a member of said board in the hearing of such charges. Said board shall have no authority, nor shall it in any way undertake to regulate the fees or charges of lawyers for the rendition of their professional services.

Section 7. Graduates of Law Department of the University of Alabama. Whenever the President and Dean of the Law Department of the University of Alabama, shall officially certify to the Secretary of the Board of Commissioners that the University has conferred the degree of Bachelor of Law upon a graduate in that department, it shall be the duty of such secretary upon presentment within twelve months of such certificate to enter the name of such graduate upon the rolls of the State Bar, and such graduate upon complying with the other terms of this Act shall without further examination become a member of the State Bar, with all the rights, duties and privileges of the other members thereof.

Section 8. Board of Examiners. The Board of Commissioners shall appoint a Board of Examiners on admission to the Bar, which board shall consist of three members, and said Board of Examiners shall conduct examinations of applicants for admission to the practice of law and from time to time certify to the Secretary of the Board of Commissioners the names of those applicants found to be qualified; such examination and certification to be made in accordance with rules and requirements made by said Board and approved by said Board of Commissioners. The Board of Examiners shall be reimbursed for their expenditures for all necessary and reasonable expenses incurred in the performance of their duties, said expenses not to exceed actual railroad fare and four dollars per diem, and shall in addition receive the sum of ten dollars per day for each day engaged by them in the performance of their duties, said moneys to be expended by them out of the fund hereinafter provided for. The Board of Examiners as now appointed and constituted under the provisions of the Code of 1907 shall constitute the Board of Examiners hereunder until the expiration of their term of office on the first day of March, 1924. Thereupon and thereafter said Board of Examiners shall be elected by a majority vote of the Board of Commissioners and shall hold office for the term of two, four and six years respectively, and as designated by said Board, after their election and until their successors are elected and qualified, and thereafter their successors shall be elected as vacancies occur, to hold office for a term of six years, or if appointed for an unexpired term for the time of such unexpired term.

Section 9. Existing Causes of Removal of Suspension and Laws Relating thereto Cumulative. The causes of removal or suspension of attorneys, and methods of proceeding in reference to such removal or suspension, as now existing, are hereby declared to be cumulative with the right and power herein given to the Board of Commissioners to reprimand, suspend, exclude or disbar attorneys.

Section 10. All applicants for admission to the Bar shall pay to the Board of Commissioners a fee of ten dollars, which shall be paid to the State Treasury and shall become a part of the separate fund in Section 11 hereof provided for.

Section 11. License Fee. Every member of the State Bar shall, prior to the first day of October in each year in the same manner as required by law for the payment of license fees, pay into the State Treasury as a license fee the sum of ten dollars, five dollars of which shall remain in the State Treasury as part of the general fund and five dollars of which together with the fees paid by applicants for admission, shall constitute a separate fund to be disbursed by the State Treasurer on the order of the Board of Commissioners. The State Treasurer is authorized to provide such rules as may be necessary for the payment and collection of such fees through the Probate Judge, Auditor or other officials. As soon after the first day in October in each year as practicable the State Treasurer shall certify to the Secretary of the Board of Commissioners the names of attorneys who have paid such license fee, and no attorneys who are in default in the payment of such fee shall be recognized in the voting or transaction of business by the State Bar as being in good standing. Provided however that no lawyer shall be required to pay a license until after he has practiced his profession for two years.

Section 12. The fees and license above provided for shall be in lieu of all other state and county license and revenue fees and charges.

Section 13. Disbursements. For the purpose of carrying out the objects of this Act, and for the exercise of the powers herein granted, the Board shall have power to make orders concerning the disbursement of said fund, but no member of the Board other than members of the board of Examiners shall receive any other compensation than his actual necessary traveling expenses connected with attending meetings of the Board. The State Treasurer is directed to pay money out of the separate fund hereinabove provided for upon the order of the Secretary of the Board of Commissioners countersigned by the President or Vice-President of the Board of Commissioners, and for the expenses and fees of the Board of Examiners upon the order of the Chairman of the Board of Examiners.

Section 14. Discipline - - - Procedure. The Board of Commissioners shall establish rules governing procedure in cases involving alleged misconduct of members of the State Bar, and may create committees for the purpose of investigating complaints and charges, which committees may be empowered to administer discipline in the same manner as the Board itself, but no order for the suspension or disbarment of a member shall be binding until approved as hereinbefore provided for by the Board. The Board may or any such committee may designate any person as commissioner to take testimony under oath in any such investigation.

Section 15. Approval by Court of Rules and Regulations. The Rules and Regulations adopted by the Board relative to disbarment or admission to the Bar shall not become effective until approved by the Supreme Court.

Section 16. Power of Subpoena. In the investigation of charges of professional misconduct the Board, and any committee appointed by it for this purpose shall have power to summon and examine witnesses under oath and compel their attendance and the production of books, papers, documents and other writing necessary or material to the inquiry. Such summons or subpoena shall be issued under the hand of the Secretary of the Board or the Chairman of any duly constituted sub-committee of the Board, and shall have the force of a subpoena issued by a court of competent jurisdiction, and any witness or other person who shall refuse or neglect to appear in obedience thereto, or who shall refuse to be sworn or testify or produce books, papers, documents or other writings demanded shall be liable to attachment upon application to the Supreme Court of the State or to any judge of any court of record for the district where the investigation is conducted as in cases of contempt.

Section 17. Rights of Accused Member. Any member of the Bar complained of shall have notice and opportunity to defend by the introduction of evidence and the examination of witnesses called against him, and the right to be represented by counsel. He shall also have the right to require the Secretary to summon witnesses to appear and testify or produce books, papers, documents or other writings necessary or material to his defense in like manner as above provided.

Section 18. Payment of Witnesses. Said Board shall by rules provided for such purpose and out of the funds herein provided for arrange for the payment of reasonable costs for the summoning of witnesses and the payment of their fees which costs and fees shall be the same in amount as provided by law in civil cases.

Section 19. Record of Proceedings. A complete record of the proceedings and evidence taken by the Board, committee, or

commissioner shall be made and preserved by the Board, but it may, where sufficient reason appears and the accused gives his consent, cause the same to be expunged.

Section 20. Annual Meeting of Bar. There shall be an annual meeting of the lawyers of Alabama, open to all members of the Bar in good standing and who have paid the license fees herein provided for, to be held at such place and time as the Board of Commissioners may designate for the discussion of the affairs and the administration of justice. At the first annual meeting such organization or such consolidation or association with the now existing Alabama State Bar Association may be had and such constitution and by-laws may be adopted as may then be determined upon and which are not inconsistent with the terms of this Act. No fees of any kind other than the payment of the fees herein provided for shall be required as a condition to full membership in such State Bar, and all lawyers duly licensed to practice law and in good standing under the provisions of this Act shall *ipso facto* be and become members of the State Bar of Alabama.

Section 21. Unlawful Practice of Law. If any person shall, without having become duly licensed to practice, or whose license to practice shall have expired either by disbarment, failure to pay his license fee within six months after the day it becomes due, or otherwise, practice or assume to act or hold himself out to the public as a person qualified to practice or carry on the calling of a lawyer, he shall be guilty of an offense under this Act, and on conviction thereof be fined not to exceed Five Hundred Dollars, or be imprisoned for a period not to exceed six months, or both.

Section 22. Repealer. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved August 9, 1923.

No. 145)

(S. 193. Overton.

AN ACT

To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Be it enacted by the Legislature of Alabama:

1. That editors and publishers of newspapers published in Alabama are permitted and authorized to exchange with railroads and other common carriers in this State advertisements and space in the columns of their newspapers for mileage over

the said railroads and other common carriers issued to editors and publishers of newspapers.

2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved August 9, 1923.

No. 146.)

(S. 206. Craft.

AN ACT

To amend Section 1 of an Act, entitled an Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges, to prescribe the duties and fix the compensation and salary of such deputies, Approved October 1st, 1920.

Be it enacted by the Legislature of Alabama:

Section 1. That in all judicial circuits in this State having more than two and less than five circuit judges, the register and the clerk of the circuit court shall each subject to removal at his will, appoint a deputy for said court; the deputy register and deputy clerk shall each be paid a salary of Two Hundred Dollars per month, payable monthly, out of the treasury of the county composing such circuit. Said deputy register and deputy clerk shall respectively possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such register and clerk by whom said deputies are respectively appointed.

Section 2. This Act shall take effect upon its approval by the Governor and all laws in conflict herewith are hereby repealed.

Approved August 13, 1923.

No. 147.)

(S. 209. Craft.

AN ACT

To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the state having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy."

Be it enacted by the Legislature of Alabama:

Section 1. That in all judicial circuits in this State having more than two and less than five circuit judges, the Clerk of the circuit court shall, subject to removal at his will, appoint an additional deputy clerk for said court, such additional deputy clerk

shall be paid a salary of one hundred and fifty dollars per month, payable monthly, out of the treasury of the county, composing such circuit. Such additional deputy clerk shall possess all the powers and authority, both ministerial and judicial, now or hereafter possessed by such clerk by whom said deputy is appointed.

Section 2. That this Act shall take effect upon its approval by the Governor.

Approved August 13, 1923.

AN ACT.

No. 148.)

(S. 173—Brower.

To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act approved September 25th, 1915, entitled "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act,"—be and the same is hereby amended so as to read as follows: An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may here-

after be taken, to provide for the selection and election of commissioners and their terms of office, to fix their powers, duties and compensation, to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Sec. 1. That all cities of the State of Alabama which now have a population of one hundred thousand people or more, according to the last Federal census, or which may hereafter have such population according to any such census that may be taken hereafter, shall become organized and shall be conducted under the commission form of government, according to the terms of this Act.

Sec. 2. In each city falling within the class described in Sec. 1. there shall be elected on the second Monday in October, 1925, and every four years thereafter, a president of the commission and two other commissioners, who shall assume the duties of the office to which they are elected on the first Monday in November following their election, and their term of office shall continue for an indefinite period not to exceed four years and until their successors are elected and qualified, provided however that such terms shall be subject to termination by recall as hereinafter provided. Should a city come into the class described in Sec. 1. during any of the quadrennial periods measuring the maximum of the terms of commissioners of cities of the class described in said Sec. 1, counting such quadrennial periods as beginning the first Monday in November, 1925, the Governor shall appoint a president of the commission and two other commissioners to comprise the commission of such city so coming into said class, the president and commissioners so appointed to serve for an indefinite period not to exceed the expiration of said quadrennial period, provided that such term shall also be subject to termination by the recall as hereinafter provided.

Sec. 3. In every city falling within the class described in Sec. 1, any person desiring to become a candidate at any election for the office of president of the commission or commissioner may become such candidate by filing in the office of the judge of probate of the county in which such city is situated a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be in substantially the following form: "State of Alabama, _____County. I, the undersigned, being first

duly sworn, depose and say that I am a citizen of the City of _____, in the State and County, and reside at _____ in said city _____, that I desire to become a candidate for the office of _____ in said city at the election for said officer to be held on the _____ day of October next and I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____ on this _____ day of _____, 19—, and filed in this office for record on said day. _____, Judge of Probate.” Said statement shall be accompanied by a petition signed by at least two hundred persons who shall be qualified to vote at said election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses, and said petition shall be in substantially the following form: “We, the undersigned duly qualified electors of the City of _____, and residing at the places set opposite our respective names, do hereby request that the name of _____ be placed upon the official ballot as a candidate for the office of _____ in said city, at the election to be held in this city on the _____ day of October next. We further state that we know said _____ to possess the qualifications necessary for said office, and to be in our judgment a fit and proper person to hold said office. Witness our hands on this the _____ day of _____, 19—.” At every such election all ballots to be used by voters shall be printed and prepared by the election commission and at the expense of said city, and shall contain the names of all candidates placed in alphabetical order directly underneath the words “For President of the Commission” and “For Commissioner,” as the case may be. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission.

Sec. 4. At any election held under the provisions of this Act at which commissioners are elected, the candidates receiving the highest number of votes for the office for which he or she is a candidate shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election a majority is not received by any or by an insufficient number of candidates to fill the offices voted for at such election, then a second election shall be held on the same day one week later when the names of the candidates receiving the highest number of votes for president or commissioner shall be placed on the ballot, provided they were not elected at the first election; the number of the names so placed upon the ballot to be equal to twice the number of offices to be filled, provided such

number were candidates in the first election, and the candidate or candidates receiving the highest number of votes for said office at the second election shall be elected to the office of president or commissioner, as the case may be.

Sec. 5. Every person who shall be elected or appointed to the office of president of the commission or commissioner in any city organized according to the provisions of this Act, shall, on or before the first Monday of November following his election or before the following Monday of the month of his appointment qualify by making oath that he is eligible for said office and will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama.

Sec. 6. The president and other commissioners provided for in this Act shall be at least twenty-five years of age at the time of their election, and shall be duly qualified electors of such city, and they shall be elected by the vote of the legally qualified voters thereof. In case any person, after he shall have been elected and duly qualified as president of the commission or commissioner shall be declared ineligible to hold such office, a successor shall be chosen, as in the case of vacancy caused by death, resignation or any other cause.

Sec. 7. The president and commissioners hereinafter provided for shall be known as the "Commission of the City of _____" (the name of such city to be inserted), and such commission shall have and exercise the powers and perform the duties in this Act provided, and in addition thereto the said commission shall have and exercise all the powers and duties granted to or imposed upon municipal corporations by the general laws of the State of Alabama. Each of the commissioners, the selection and election of which is provided for by this Act, shall, before entering upon their duties, take the oath of office as provided by the Constitution of the State of Alabama, and the said Commissioners shall also take oath that they are qualified commissioners under the terms of this Act. Said commission shall not have, possess or exercise any legislative, executive, or judicial or administrative powers of the State or County, nor shall the offices held by them be State offices.

Sec. 8. The Commissioners herein provided for, when sitting as a body and acting within their official capacity, shall be known as the "Commission" of said city, as herein before provided, and they shall have, possess and exercise for, in the name of and on behalf of said city all the municipal powers, legislative, executive and judicial, which are possessed and exercised by the former governing body of such municipality, as prescribed by the charter thereof and all other general acts re-

lating to the government of such city, and also all the powers which may have been granted to or exercised by any board or commission of any kind heretofore created by the Legislature of the State of Alabama, charged with any duties in connection with the government of such city, except as the same have been modified or repealed by the general laws of the State of Alabama or by the provisions of this Act; and all such boards, commissions and officers of such former boards and commissions shall be and the same are hereby abolished, and the terms of any and all such officers or officials shall cease upon the passage and approval of this Act, provided, however, that nothing herein contained shall be construed to repeal any law creating a board of education for such cities and prescribing the duties of such board, or any law creating or providing for subsidiary boards in such cities and passed at the 1915 or any subsequent session of the Legislature.

Sec. 9. That in all cities of the State of Alabama which now have a population of one hundred thousand people or more, according to the last or any subsequent Federal census, the governing bodies of such cities shall have authority to provide a library board and a park and recreation commission, and to confer upon said board and said commission such powers relative to libraries and parks, playgrounds and recreation respectively as such governing body may deem advisable.

Sec. 10. That each city in this State having a population of one hundred thousand or more according to the present or any subsequent Federal census, shall continue its existence as a body corporate under the name of City of _____ (inserting the name of said city), and such city shall continue to be subject to all duties and obligations pertaining to or incumbent upon it as a municipal corporation not inconsistent with the provisions of this Act, and shall continue to enjoy all the rights, immunities, powers, privileges and franchises heretofore enjoyed by it, as well as those that may hereafter be granted to it, not inconsistent with the provisions of this Act. All laws governing such city and not inconsistent with the provisions of this Act shall apply to and govern said city after it shall have become organized under the provisions hereof. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization not inconsistent with the provisions of this Act shall remain in force until altered or repealed. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which were vested in it shall vest in it under the organization herein provided for, as though there had been no change in the government of said city; and no right or liability, either in favor of it or against it, and no suit or prosecution of

any kind shall be affected by the change of government herein provided for unless otherwise expressly provided for by the terms of this Act. All employees of said city shall continue in office until otherwise provided by the commission for said city created by this Act.

Sec. 11. Every city organized under the provisions of this Act shall be governed and managed by a commission of three members, the selection and election of which are provided for by this Act. Each and every officer and employee of said city, except the health officer and such persons as may be employed by him to enforce quarantine, shall be selected and employed by the commission or under its direction, and all salaries and wages paid by said city, except as herein otherwise provided, shall be fixed by said commission. The commission shall prescribe and may at any time change the powers, duties, and titles of all subordinate officers and employees of said city, except the title of the city health officer; and all of said officers and employees shall hold office and be removable at the pleasure of the commission, provided however, that all officers and members of the police department and the fire department of such cities shall only be removable for the causes and by the procedure provided for in an Act approved February 10th, 1923, entitled "An Act to provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any such Federal census, to provide for a civil service board in such cities, fixing their duties, authority and powers," and provided further that all officers and employees of such cities, after a continuous service of twelve months, shall thereafter remain and continue in their respective employments as such municipal officers and employees during good behavior, efficiency and obedience to such reasonable rules and regulations as may be from time to time prescribed by the commission, and shall not be removed or discharged except for cause upon written charges or complaint, and after an opportunity to be heard in their own defense, such charges to be investigated by and before the commission after not less than five days notice to the person charged shall have been given in writing of the charges, and after a public hearing thereof by the commission.

Sec. 12. The powers and duties in such cities shall be distributed into and among three departments, as follows:
1. Department of General Administration, Finances and Accounts, which department shall be especially charged with the administration of all legal affairs of the city, the purchase of supplies, the collection of taxes, licenses, and other sources of

income, the expenditures of the city, the management of its sinking fund, the management and maintenance of all public buildings, parks, playgrounds, and public utilities, either owned and operated by the City or operated by private corporations under franchises or contracts with the City. 2. Department of Public Improvements, which department shall have special supervision of all public improvements in such city, including the improvement and maintenance of streets and sidewalks, the building of viaducts, the construction of sewers, and the erection of all public buildings. 3. Department of Public Safety, which shall have supervision over the fire and police departments and all things connected therewith, and over the public health and sanitation and all things pertaining thereto. The powers and duties pertaining to each of said departments shall be fixed by the commission according to the general plan above outlined, and one member of said commission shall be assigned to the head of each such department and shall supervise and control its operation subject to the authority of the commission, and shall exercise and perform the powers and duties prescribed by this Act and such additional duties as may be designated by the said commission, and the assignment may be changed at any time by a majority of said commission. The president of the commission shall be the general executive officer of the city, and shall be charged with the general supervision and direction of its affairs. Each commissioner acting as the head of the department to which he is assigned shall give his entire time to the duties required of him as commissioner and the head of his department, and the power and authority of such commissioner as the head of his department shall be limited to the execution and enforcement of the laws and ordinances of such city pertaining to his department and the administration thereof, except the legislative powers which said commissioner shall have and may exercise at the regular or special meetings of said commission sitting as a legislative body. The commission shall establish office hours for each department, and all employees thereof shall be present during such hours for the performance of their duties therein. Provided that health and quarantine matters and the public school system shall be administered in accordance with the established public health and public school system of the State, and such health and school laws as are now in force or may hereafter be enacted, and also in accordance with such ordinances as are now in force or may hereafter be legally enacted by said commission.

Sec. 13. Said commission shall hold regular public meetings on Tuesday of each and every week at a regular hour to be fixed by the order of said commission from time to time and publicly announced; it may hold such adjourned, called, special or other meetings as the business of the city may re-

quire. The president of the commission when present shall preside at all meetings of said commission. Two members of the commission shall constitute a quorum for the transaction of any and every business which comes before it, and for the exercise of any and every power conferred upon said commission, and the affirmative vote of two members of said commission shall be necessary and sufficient for the passage of any resolution, by-law or ordinance, or the transaction of any business of any sort by the said commission or the exercise of any of the powers conferred upon it by the terms of this Act or which may hereafter be conferred upon it. No resolution, by-law or ordinance granting any franchise appropriating any money for any purpose, providing for any public improvements, any regulation concerning the public comfort, the public safety or public health, or of any other general or permanent nature except the proclamation of quarantine shall be enacted except at a regular public meeting of said board or an adjournment thereof. Every ordinance introduced at any and every such meeting shall be in writing and read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded. All ordinances or resolutions shall be adopted by a majority vote of the commission. A record of the proceedings of every meeting of the commission shall be kept in a well-bound book, and every resolution or ordinance passed by the commission must be recorded in such book and the record of the proceedings of the meeting shall be signed by at least two members of the commission. Such record shall be kept available for inspection by all citizens of such city at all reasonable times. No ordinance of permanent operation shall be passed at the meeting at which it was introduced except by unanimous consent, and such unanimous consent shall be shown by the aye and nay votes entered upon the minutes of said meeting, provided however that if the president of the commission and all commissioners vote for the passage of the ordinance and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon such ordinance at the meeting at which it is introduced.

Sec. 14. At the first meeting of the commissioners provided for by this Act, they shall designate by a majority vote one of their number as president pro tem, who shall have all the authority and discharge all duties that devolve upon the president of the said commission during the absence of the president on account of illness or any other cause.

Sec. 15. No resolution, by law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized under the provisions of this Act, either in, under, upon, along, through, or over same shall take

effect and be enforced until thirty days after the final enactment of same by the commission and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance or during the time intervening between its final passage, and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of said city may, by written petition or petitions addressed to said commission object to such grant, and if during said period such written petition or petitions signed by at least five thousand legally qualified voters of such city shall be filed with said commission, said commission shall forthwith order an election, which shall be conducted by the election commission of such city at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said by-law, resolution or ordinance. In the call for said election, the said resolution, by-law or ordinance making such grant shall be published at length and in full at the expense of the city in at least two newspapers published in said city by one publication. If a majority of the votes cast at such election shall be against the passage of said resolution, by-law or ordinance, and the said grant and said majority shall be equal to or greater than one-half of the number of electors voting at the next preceding general municipal election, then, and in those events, said resolution, by-law, or ordinance shall not become effective nor shall it confer any rights, powers or privileges of any kind; otherwise, said resolution, by-law or ordinance and said grant shall thereupon become effective as fully and to the same extent as if said election had not been called or held. If, at the result of said election, said resolution, by-law, or ordinance shall not become effective, then it shall be the duty of said commission, after the result of said election shall be determined, to pass a resolution, by-law, or ordinance to that effect. No grant of any franchise or lease or right of user, or any other right in, under, upon, along, through, or over the streets, public highways, thoroughfares or public property of any such city, shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by a resolution or ordinance duly passed by the commission at some regular or adjourned meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same. It is expressly provided, however, that the provisions of this section shall not apply to the

grant of side track or switching privileges to any railroad or street car company for the purpose of reaching and affording railway connections, and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said side track or switch shall not extend for a greater distance than one thousand, three hundred and twenty (1,320) feet.

Sec. 16. Any proposed ordinance may be submitted to the commission by petition signed by at least five thousand qualified electors of the city. All petitions circulated with respect to any proposed ordinance shall be uniform in character and shall contain the proposed ordinance in full, and have printed thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named. Each signer of a petition shall sign his name and shall have placed on the petition after his name his place of residence by street and number, if there be such street and number. The signature to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the affiant. All papers comprising a petition shall be assembled and filed with the Probate Judge of the county in which said city is situated as one instrument. Within seven days from the filing of a petition with him the Probate Judge shall ascertain whether it is signed by the required number of qualified electors. Upon completion of his examination the Probate Judge shall endorse upon the petition a certificate of the result thereof. If the certificate of the Probate Judge shows that the petition is insufficient he shall at once notify each member of the committee of the petitioners herein before provided for, and the petition may be amended at any time within ten days from the date of the Probate Judge's certificate of examination by filing with the Probate Judge an additional petition in the same manner as provided for the original petition. Upon the filing of such amendment the Probate Judge shall, within ten days thereafter, examine the amended petition and attach thereto his certificate of the result. If still insufficient or if no amendment shall have been filed, the Probate Judge shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. When the certificate of the Probate Judge shows the petition to be sufficient, he shall submit the proposed ordinance to the commission at its next regular meeting. Such commission shall either (a) pass and adopt

said ordinance without alterations within twenty days after attachment of the Probate Judge's certificate to the accompanying petition, or (b) within said time cause to be transmitted the papers and petition to the election commission, which shall call a special election unless a general municipal election is fixed within twenty days thereafter, and at such special or general election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city. The ballots used when voting upon said ordinance shall contain these words, "For the Ordinance" (stating the nature of the proposed ordinance,) and "Against the Ordinance" (stating the nature of the proposed ordinance), and the voter shall express his choice by a cross mark. If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, and the number voting in favor of same be equal to or greater than one-half the number of electors voting at the next preceding general municipal election in such city, such ordinance shall thereupon become valid and binding ordinance of the city, and any ordinance proposed by petition and which shall be adopted by vote of the people cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for such purpose. A proposal for the repeal of such ordinance or for amendments thereto may in like manner be submitted to be voted upon and adopted at any succeeding election. Whenever any ordinance or proposal is required by this section to be submitted to the voters of the city at any election, such ordinance or proposal shall be published in the same manner as referendum ordinances or proposals are herein required to be published. The election to be held under this section shall be in accordance with general election laws governing elections in such city and all laws governing elections generally applicable to such city shall be applicable to elections held hereunder.

Sec. 17. The qualified voters of any city organized under the provisions of this Act may at any time file with the election commission of such city a petition or petitions asking for the resignation of the president of the commission or any member of said commission. Such petition shall contain a general statement of the grounds upon which the removal of said officer is requested, and each signer shall add after his signature and opposite thereto his residence address. In case such petition shall be signed by at least five thousand voters qualified to vote for a successor to the officers sought to be recalled, and bear a certificate of the Probate Judge to that effect, a copy thereof shall be delivered to the city commission, and if the said officer or officers shall not on or before the next regular

meeting of said commission thereafter resign from office, then said election commission shall immediately thereafter order an election to be held by the election commission not less than thirty days nor more than forty days from date of said meeting, at which election the question of whether or not said officer shall be recalled shall be voted upon. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in said city. If the majority of the votes at said election vote for the termination of the term of office of said officer and the number so voting in favor of such termination be equal to or greater than one-half the number of electors voting in the next preceding general municipal election in said city, said officer's term of office shall terminate and such officer shall stand recalled, otherwise he shall continue in office as if no election had been held. Whenever the term of any officer is terminated as above provided, the election commission shall forthwith call a special election of a successor to such officer, such election to be held not more than twenty-one and not less than fourteen days from the declaration of the result of the recall election. Notice of such election shall be given by one publication in some newspaper published in such city. Candidates in such special election shall qualify and be voted upon and the successful candidate or candidates be determined in the same manner as is herein provided relative to election of commissioners in quadrennial elections, except that statements of candidacy must be filed at least seven days before the day set for such election. In the event terms of more than one commissioner are terminated at the same election, the Governor shall appoint temporary successors to hold office until successors are elected and qualified as herein provided, but if the term of only one commissioner is terminated no temporary successor shall be appointed for such interim.

Sec. 18. Whenever any vacancies shall occur except by recall in the office of president of the commission or other commissioner of any city organized under the provisions of this Act, then a successor to such president or commissioner shall be elected by the remaining members of the commission. Every person who shall be elected to fill any vacancy under the provisions of this section or any other section of this Act shall qualify for office as soon as practicable after the result of such election is declared, and shall be clothed with the duties and the responsibilities and powers of such office immediately upon such qualification, and he shall hold office for the unexpired term of his predecessor, unless such term be sooner terminated by recall as herein provided. Should vacancies exist simultaneously from any cause hereinbefore provided for in two commissionerships so as to leave no quorum of said commission to fill the same, an election to fill said vacancies shall be called by

the election commission to be held not less than twenty days nor more than thirty days from the occurrence of the second vacancy. Notice of said election and of the time of holding same shall be given by one publication at least fifteen days in advance of the same in two or more newspapers published in said city at the expense of said city. The commissioners chosen at said election shall qualify as speedily as possible thereafter.

Sec. 19. The president of the commission of all cities organized under the provisions of this Act shall receive an annual salary of eight thousand dollars, payable in monthly installments at the end of each month, and each commissioner shall receive an annual salary of seven thousand dollars, payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the president or the commissioner shall hold office at the rate thus provided.

Sec. 20. The employees of cities organized under this Act shall be selected by the commission solely on account of their fitness and without regard to their political affiliations. It shall be unlawful to hold party caucuses or primaries for the purpose of nominating any employee to be selected by such commission, and any person who shall solicit or accept a party nomination for any office to be filled by said commissioners, shall be thereby rendered ineligible for such office, or for any other office under said city for a period of one year thereafter.

Sec. 21. It shall be unlawful for any candidate for office, or any officer in such city, directly or indirectly, to give or promise any person or persons, any office, position, employment, benefit or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons. Every commissioner elected by popular vote in any such city, shall within thirty days after qualifying, file with the judge of probate of the county, and the same shall be published at least once in a newspaper of general circulation in such city, his sworn itemized statement of all his election and campaign expenses, and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor, punishable by a fine of not more than three hundred dollars, and be a ground for removal from office.

Sec. 22. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for the city, and no such officer or employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or

telephone exchange within the territorial limits of said city. No such commissioner or other official of such city shall be interested in or any employee or attorney of any corporation operating any public service utility within said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policeman or fireman in uniform, nor to policemen in the discharge of their duty; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section. Any employee of such city who solicits support for any candidate for commissioner, or any such employee who shall endeavor to influence any voter to vote for or against any candidate for commissioner, shall be deemed guilty of a misdemeanor, and on conviction shall not be fined less than ten nor more than fifty dollars, and may also be imprisoned in the county jail for not more than ten days. Justices of the peace and judges of the inferior courts shall within their respective territories, have jurisdiction of this offense.

Sec. 23. Any person offering to give a bribe either in money or other consideration to any voter for the purpose of influencing his vote at any election provided in this Act, or any voter entitled to vote at any such election, receiving and accepting such bribe or other consideration, any person making false answer to any of the provisions of this Act, relative to his qualifications to vote at said election, any persons wilfully voting or offering to vote at any such election who has not been a resident of this State for two years next preceding said election, or who is not twenty-one years of age, or is not a citizen of the United States, or knowing himself not to be qualified voter of such precinct where he offers to vote, any person knowingly procuring, aiding or abetting any violation hereof shall be deemed guilty of a misdemeanor, and upon conviction shall be

fined a sum not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Sec. 24. The commission shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspapers of the city and to persons who apply therefor. At the end of each year, the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures. And the Governor is authorized at any time to have all the books and accounts of such city examined by a State examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the president of the commission of such city, of a duly verified statement of such expenses made by such examiner of public accounts, approved by the Governor.

Sec. 25. All general laws of this State regulating and prescribing the conduct of municipal elections and the qualifications and registration of voters thereat, shall apply to elections hereunder, except so far as expressly modified herein.

Sec. 26. The judge of the probate court of the county in which are located the cities covered by this Act, shall record in a well-bound book kept for that purpose, all papers required to be filed with him under the terms of this Act, and shall receive therefor the compensation allowed by law for recording deeds.

Sec. 27. It shall be unlawful for any candidate for commissioner, or for president of the commission, or for any other person in his behalf, to hire or pay, or agree to pay, any person to solicit any votes at the polls in election, and unlawful for any person to accept such hire or make such contract for pay, to solicit votes for the president of the commission, or other commissioner; any person violating this section shall be guilty of a misdemeanor, and may be punished by fine not to exceed five hundred dollars for each offense, and the candidate violating this section shall thereby be disqualified for and rendered ineligible for the office sought.

Sec. 28. No Candidate for the office of president of the commission, or other commissioner can lawfully expend more than one thousand dollars of his own funds, and the funds contributed by others, in aiding his candidacy in any one election, a run-off to be treated as a separate election. Any person violating the provisions of this section shall thereby be disqualified for holding said office, if successful, and his election may be contested on that ground.

Sec. 29. The petitions provided by this Act may be by a number of separate instruments as well as by one instrument. No person but a qualified voter shall sign any petition provided for by this Act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor punishable by a fine not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature. All petitions provided for herein must bear the certificate of the judge of probate of the county in which such city is situated, that it has the number of signatures required by law of qualified voters, and it shall be the duty of said probate judge to hear and determine all questions as to the genuineness of signatures and the qualifications of voters signing such petition before giving such certificate; and such certificate of the probate judge shall be final and conclusive. Should said probate judge decide that any such petition was not signed by the required number of qualified voters, it shall be his duty to return said petition with the written statement of the details of its insufficiency to the persons presenting such petition, and such persons shall have ten days thereafter to have said petition signed as required by law, at the end of which time they shall again present such petition to the probate judge for re-examination. For his services in passing on any such petition the Probate Judge shall receive from the person presenting such petition for his examination the cost of the clerical work incident thereto, and twenty per cent of such amount. Security for the payment of such costs must be given at the time of the presentation of such petition.

Sec. 30. That all laws and parts of laws, local, general or special, in conflict with the provisions of this Act, be and the same are hereby repealed. Should any section or provision of this Act be held invalid it shall not affect the validity of any other section or provision which is not itself invalid.

Section 2. This Act shall not go into effect until the first Monday in November, 1925, except to the extent necessary for the holding of the election of a president and two commissioners and who are to assume office on the first Monday in November, 1925, and except Sec. 9, 15, and 16, which three sections shall go into effect immediately. Sec. 8 and 14 of the Act approved September 25th, 1915, are repealed upon the passage of this Act.

Approved August 15, 1923.

No. 153)

(S. 11—Hutson

AN ACT

To authorize and empower the Council of Cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve Post Office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this bill the Council of Cities of less than six thousand population in this State be and they are hereby authorized and empowered to appropriate out of the general fund of such municipality moneys with which to build, add to or improve the Post Office buildings within said cities and to reimburse any citizen or citizens for moneys paid by such citizen or citizens for the building, adding to or improving of such Post Office building within the municipality. "Provided, however, this shall apply only to cases where the money has heretofore been expended and for which the City Council wishes to reimburse the citizens who have made such payment."

Section 2. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Approved August 16, 1923.

No. 157)

(H. 525—Kilborn.

AN ACT.

To fix the compensation of Circuit Judges of the State of Alabama in Circuits which are composed of only one county, having more than two judges and less than nine Judges, or in circuits which may hereafter be composed of only one county, having more than two Judges and less than nine Judges, and to provide that a portion of said compensation be paid out of the County Treasuries of the Counties constituting the respective Circuits.

Be it enacted by the Legislature of Alabama:

Section 1. That in all Circuits of the State of Alabama, which are composed of only one county, having more than two judges and less than nine judges, or in Circuits which may hereafter be composed of only one county, having more than

two judges and less than nine judges, each Judge shall receive an annual salary of seven thousand dollars (\$7,000.00); Four Thousand dollars (\$4,000.00) of the salary of each of said Judges shall be paid out of the State Treasury in the manner now or hereafter provided by law, and Three Thousand Dollars (\$3,000.00) of the salary of each of such judges shall be paid out of the County Treasury of the County constituting such circuit or circuits, in twelve (12) equal installments, upon the warrant or warrants of the Judge.

Section 2. That if any section, clause or provision of this Act shall be declared unconstitutional, it shall not be held to affect any other section, clause or provision of this Act, but the same shall remain in full force and effect.

Section 3. That the compensation of the Judges as provided in this Act shall be the only compensation they shall receive for their services.

Section 4. That all laws or parts of laws, whether special, general or local, in conflict with this Act, are hereby repealed.

Section 5. This Act shall become effective upon its passage
Approved August 16, 1923.

No. 159.)

(H. 371—Ashcraft of Lauderdale.

AN ACT.

To Amend Section 5896 of the 1907 Code of Alabama.

Be it encated by the Legislature of Alabama:

Section 1. That Section 5896 of the 1907 Code of Alabama be so amended as to read as follows, to-wit: 5896. To secure an order for an election on the stock law questions in counties where an election has been held in the county as a whole and the majority of the electors at such election have voted in favor of prohibiting live stock from running at large in the entire county except in incorporated cities or towns, a petition signed by the majority of the bona fide freeholders in the county, who reside in said county and outside of an incorporated city or town and whose land lies outside of any incorporated city or town, shall be necessary. Said petition to be verified by affidavit of two or more persons showing that petitioners are land owners of the county; that their lands do not lie within an incorporated town or city, and that each petitioner resides in said county and outside of any incorporated city or town. The truth of the allegation of such petition to be determined by the Court of County Commissioners from competent evidence, as in other cases of courts of law.

Approved August 21, 1923.

No. 160.)

(H. 308—Merrill.)

AN ACT.

To adopt a Code of Laws for the State of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That the work prepared by James J. Mayfield under "An Act to provide for the revision, codification, digesting, and promulgating of the public statutes of this State, both civil and criminal," approved September 30th, 1919, is, as the same has been revised, amended, corrected, and reported by the joint committee of the two houses of the Legislature, which is shown upon the sheets of manuscript signed by the chairman and members of the joint committee, adopted and enacted as the Code of Alabama, and shall regulate completely, so far as a statute can, the subjects to which it relates, and shall go into force and be operative on the thirtieth day after the date of the Governor's proclamation announcing its publication.

Section 2. No Act passed on or after the tenth day of July, 1923 shall be repealed or affected in any manner by the adoption of this Code; but such general acts amending sections of the Code of 1907, which sections have been or shall be incorporated in this Code, shall be printed in the place of and as such sections.

Section 3. No statute which applies or relates or which was intended to apply or relate to but one county, one municipality, or one other political subdivision of the State, though such statute might, strictly speaking, be classed as a general law, shall be repealed or affected in any manner by the adoption of this Code or the failure to incorporate it in the Code as a part thereof; but such statute shall remain unrepealed and be given the same force and effect as if it had been incorporated in the Code as a part thereof. Likewise, no statute applying to the revenue laws of this State, or to taxation, to schools, to education, to agriculture, to horticulture, or other industries, or to the game and fish department of the State, or relating to such subjects, shall be repealed or affected in any manner by the adoption of this Code, or by the failure to incorporate such statutes as a part thereof.

Section 4. All Acts of the present session of the Legislature, passed on and after July 10th., 1923, which are of a general nature, shall be incorporated in the Code at the appropriate place with reference to its subject-matter, and become and be published as a part of the Code, so that every statute of a general nature of this State, in force at the time of the publication of the Code, shall be incorporated therein.

Approved August 17, 1923.

No. 161.)

(H. 307—Merrill)

AN ACT.

To provide for the publication and distribution of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. The Governor shall secure to the State the copyright of the Code of Alabama, adopted at this session of the Legislature.

Section 2. The chairman of the Joint Legislative Recess Code Committee and one person to be appointed by the Governor of Alabama shall constitute the Commission charged with carrying out the provisions of this Act, and the person named by the Governor shall act as Secretary of this Commission. The Commission may also appoint a clerk of the Commission and Code Commissioner, who shall be an experienced stenographer and proof reader, to aid the Commission and Code Commissioner in performing and discharging the duties provided for in this Act.

Section 3. The Commissioner who codified and revised the statutes of the State is required to supervise the publication of the Code. He and the clerk of the Commission shall read all proof, correct all manifest errors, clerical and otherwise, and compare it with the original manuscript signed by the chairman of the Joint Committee of the Legislature, and see that the Code as printed corresponds accurately with the original as adopted.

Section 4. Except as otherwise provided in this Act, the Code shall be divided into three volumes:—First, the Political Code; second, the Criminal Code, and third, the Civil Code, each to embrace the same corresponding matters which are now embraced in the three volumes respectively. The Code Commission and the Code Commissioner, however, may transfer the matter now in one volume to another different volume, if it may be deemed proper or necessary to equalize the size of the volumes, or add to the convenience in using or finding any particular matter in the respective volumes. The Commissioner in arranging the Code shall have the certificate hereinafter provided for, and the Act adopting the Code, printed in the first volume next after the title page, and following thereafter all the prefatory matter which now appear in all three of the volumes of the present Code of 1907, including all the Constitutions of this State. Each volume shall have three titles or labels upon the back similar in all respects to the labels or titles upon the backs of each of the volumes of the Code of 1907. If, however, in the judgment of the Code Commissioner and the Com-

mission charged with carrying out the provisions of this Act, it should appear that the volume of Civil Code will be too large and unwieldy to handle, the Code Commissioner may divide it into two volumes; in which event the third and fourth volumes will be known and labelled as the Civil Code, and the second volume will then be known as the Criminal Code. Each volume at the end thereof shall contain a complete index of the entire Code as near perfect as the Code Commissioner can make it.

Section 5. All Acts of the Legislature passed on and after the 10th day of July, 1923, amending any section of the Code of 1907 shall be substituted in place of the amended section, and becomes a part of the Code. All other General Acts passed on and after the 10th day of July, 1923, and before the copy is sent to the publishers, shall be inserted at the proper place according to its subject-matter and printed in the same type and style of the Code, leaving off its title and enacting clause, and numbering the sections of the Act with the appropriate number in the Code.

Section 6. The Code Commissioner shall insert immediately after every section of the Code, and before the next section, annotations giving full citations to the decisions of the Supreme Court and Court of Appeals construing that section, whenever a section is sub-divided, the annotations shall be inserted after the appropriate subdivision, and those to the section generally without reference to any particular subdivision, shall be printed below the section.

Section 7. The Code Commissioner shall prepare and insert at the proper place appropriate chapters, titles and subdivisions of titles for every chapter, briefly expressive of the subjects treated therein as the manuscript has been revised and amended by the Joint Committee, and after all the Acts passed on and after the 10th day of July, 1923 have been properly inserted, shall number the sections of the Code consecutively, and shall then verify and correct the cross references to sections of this Code so as to make them correspond accurately and with the numbers of the Code given by him. The Code Commissioner shall insert in every volume of the Code cross references to all subjects or titles treated in the other volumes of the Code.

Section 8. Ten thousand copies of sets of the four Codes shall be printed and bound according to the following specifications: the afore-mentioned Codes shall be printed on number one Eastern Machine Finish paper equal in every respect with that made by the West Virginia Pulp and Paper Company, basis 25 x 38, forty pounds to five hundred sheets; composition shall be in ten point with black for text, eight point with small caps and eight point with Devienne black for citations and index; 5½ point Roman for foot and side notes, type page to be

29 x 50 ems pica and set in the general style of the Code of 1907, and printed from new type. The trimmed size page to be the same as the Code of 1907. The binding shall be in number one Library Buckram, of a drab or olive color, of the same quality and shade as sample in the office of the Secretary of State, which is identified by the signature of the chairman of the Joint Recess Code Committee. Each volume shall have the first and last section reinforced by number one linen cloth to extend not less than two inches over the board inside, double sewed on three tape, reinforced on back with super head bond lining paper; sixteen pages to the section. All boards used shall be number one A. A. Davey tarboard, thickness No. 20. There shall be three titles on every volume as hereinabove described and stamped with genuine Cose's XX Deep Gold Leaf.

Section 9. When the printing of the Code is completed, the Code Commissioner shall certify that the same has been compared by him with the original as adopted by the Legislature, and that the Code as printed is the same as adopted, which certificate must be printed in every copy of the Code, and the Code thus printed and published must be received as the law in all courts and in all proceedings before any board, body or officer of this State, subject to corrections by the original signed manuscript which shall be kept on file in the office of the Secretary of State.

Section 10. Within ten days after the approval of this Act the Secretary of the Commission shall advertise for bids to print and bind the Code in accordance herewith, and the commission provided for herein shall award the contract to the best responsible bidder. The bids must be accompanied by a bond of not less than seventy-five thousand dollars with some surety company authorized to do business in Alabama, as surety, to be approved by the Governor if the bid should be accepted, conditioned to faithfully perform the contract, which shall be drawn by the Attorney General and which contract shall be approved by the Governor. When the entire work is delivered to the binders the Governor may pay the contractor such part of the agreed price as he may deem just, not to exceed two-thirds of the whole sum to be paid for the entire work. The Code Commissioner shall furnish to the contractor an accurate copy of the new Code, together with the appropriate annotations and correct citations and cross references, and this copy shall be sent to the printer and immediately thereafter the original manuscript shall be substantially bound in books of convenient size and deposited and kept in the office of the Secretary of State. That the Commission shall give favorable consideration to Alabama bidders if all other things are equal.

Section 11. The Code Commissioner for codifying the Gen-

eral Acts of the special session of the Legislature of 1920 and 1921 and the session of the Legislature of 1923, which have been approved and incorporated into the manuscript by the Joint Committee, or which is herein required to be placed in the Code, and for performing all the duties required of him in and about codifying these Acts, and the publication of the Code, shall receive six thousand dollars, to be paid as follows: three thousand dollars to be paid upon the approval of this Act, and three thousand dollars when the Code is delivered to the Secretary of State by the publishers; and the sum of six thousand dollars is hereby appropriated out of any funds in the treasury not otherwise appropriated, for such purpose.

Section 12. The Chairman of the Joint Recess Committee and the Secretary of the Commission, for the performance of the duties imposed upon them by this Act shall each receive ten dollars per day while actually engaged in the discharge of their duties as their compensation, and the actual expenses incurred in the performance of his duties, upon the certified statement thereof, by warrant drawn by the State Auditor on the State Treasurer and approved by the Governor. The Clerk of the Commission and Code Commissioner herein provided for, for the services herein provided for in assisting in the codification of the statutes to be hereafter passed at this session of the Legislature, and incorporating the same in the Code, and assisting in reading and revising the proof and for other services performed in the discharge of the duties imposed by this Act, shall receive the sum of two thousand dollars, to be paid monthly on and after the passage of this Act in such amounts as the Code Commissioner and the Governor may agree upon, which monthly amounts shall be paid by a warrant drawn by the State Auditor on the State Treasurer and approved by the Governor and Code Commissioner.

Section 13. It is the duty of the Secretary of the Commission to transmit to every department of the United States Government and to the Congressional Library one set of the Code; to the executive of every State and Territory, two sets; to the Librarian of the University of Alabama, two sets; to the Librarian of the Law School at the University of Alabama, ten sets; Alabama Polytechnic Institute and the Alabama Girls Technical Institute and College for Women, the Deaf, Dumb and Blind Institute and the Insane Hospitals, and every Normal and Agricultural School and Experiment Station, two sets; and shall deliver to the Librarian of the Supreme Court ten sets for the use of the Library; to the Department of Archives and History, two sets; to the head of every department in the State Capitol and to the various Bureaus and Commissions of the State, one set; to every court of record and every separate division of the

counts of record in the State; two sets; the Medical College at Tuscaloosa, two sets; to every sheriff, solicitor, deputy solicitor, county superintendent of education, board of revenue or governing body of the county, tax assessor, tax collector, and county treasurer, or depository, Justice of the peace, every notary with the powers of a justice of the peace, every public library which is not named after any person, and to every bar library, one set. The title to all of which sets shall forever remain in the State of Alabama, and shall never become the personal property of any person or corporation however long they have had possession thereof.

Section 14. The Secretary of the Commission shall distribute to every judge of the courts of record in the State of Alabama, Senator and Representative, Lieutenant-Governor, Secretary of the Senate and Clerk of the House, one set of the Code, which shall be his personal property. After the Secretary of this Commission has fulfilled the duties imposed by this Act upon him, it shall be his duty to deliver to the Secretary of State the sets of the Code remaining in his hands, and then it shall be the duty of the Secretary of State to perform the duties that are imposed upon the Secretary of this Commission.

Section 15. For the purpose of making a correct distribution of the Code to the County officers entitled thereto, the Secretary of the Commission shall deliver to every Probate Judge the number of copies as by the written requisition of the Probate Judge may be shown that his county is entitled to receive. The requisition must give the name and office of every officer for whom the requisition is made, and the Probate Judge must take from every officer to whom a Code is delivered a receipt, which receipt he must file in the office of the Secretary of State, and shall be responsible for all copies delivered to him and for which he has not filed the receipts of the officer entitled thereto in the office of the Secretary of State.

Section 16. All copies of the Code delivered to the Secretary of State by the Secretary of the Commission must be receipted for. The Secretary of State must sell each set of the Code sold by him at such price as the Commission with the approval of the Governor may fix, but he shall not sell to any one individual, corporation, or firm more than five sets.

Section 17. To secure the speedy delivery of the Code and to have it printed and bound fully in accordance with specifications and requirements of this Act, the Secretary of the Commission, the Code Commissioner and the Chairman of the Joint Legislative Committee are hereby constituted a Commission whose duty it shall be to open and examine all of the bids made for printing the Code, and certify them to the Governor in the order in which the bids are made, grading them accord-

ing to the price of the bid and the character of work usually done by the bidder; and the Commission with the advice and approval of the Governor, shall award the contract to the best bidder, considering the price, capacity, and efficiency of each bidder. If no bid is acceptable, the Commission may decline to then award the contract and may re-advertise for bids for such time as they deem proper, and thereafter let the contract as is herein provided; and the Commission may continue to re-advertise until a contract to publish can be obtained which meets the approval of the Commission and the Governor. Before the Secretary of the Commission shall receive any Code, or the Governor pay any part of the contract price, this Commission shall carefully compare the work, quality of paper, and of binding with the specifications, and certify to the Secretary of State and the Governor whether the work has been done strictly in accordance with the specifications as prescribed by law.

Section 18. Within ten days after the approval of this Act the Secretary of the Commission must advertise for thirty days for bids for printing this Code, and the Commission shall have all the necessary copy ready to be delivered to the contractor as soon as the contract is signed and the contract shall bind him to print all of the books and thoroughly dry, season and press the same, and to deliver them all within six months from date of contract.

Section 19. The Secretary of State shall furnish to the Code Commissioner two official copies of every Act of a general and permanent nature which was passed on or after July 10th, 1923, immediately after the approval thereof, for which he shall be paid a ten cents per one hundred words.

Section 20. The annotations, title pages, cross references, marginal references of the Code shall not constitute or be construed as a part of the laws of this State, but are intended as mere indices of the contents thereof, and are added or placed therein at the discretion of the Code Commission.

Section 21. The Code Commissioner and the Clerk of the Commission shall attend at the place of the publication of the Code during the second reading of the proof, and their expenses incurred in so doing shall be paid upon their certified statement thereof by warrant drawn by the State Auditor on the State Treasurer.

Section 22. The Code Commission provided for in Section 17 of this Act shall have power, with the approval of the Governor, to change or modify any specifications which may be necessary in order to secure the best book without materially increasing the cost thereof.

Section 23. The publishers may print an extra edition of

the Code, not exceeding five hundred sets, on such paper and with such style binding as they may select, and may sell the same, accounting to the State for the contract price.

Approved August 17, 1923.

No. 165.)

(H.471—Smith of Lee.

AN ACT.

To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

Be it enacted by the Legislature of Alabama:

Section I. That all cities and towns in this State shall have authority to purchase sanitary sewers, or sanitary sewer systems already constructed and draining territory within their corporate limits, although the trunk sewers and disposal plants thereof may be located outside their corporate limits, and to cause the purchase price of said sewers or sewer systems, with the disposal plants, together with the cost of improvements made thereon to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or drained by said sewers or sewer systems to the extent of the increase of the value of such property by reason of the special benefits derived from such sewers or sewer systems and from the purchase of the same by the municipality.

Section II. The council as herein used, Mayor and aldermen, or other governing body, shall mean also a board of public works, where such a city has such a board. Wherever the city has, in addition to its council or other governing body, a board of public works charged with the care and maintenance and improvements of streets, storm sewers and drains, then and in that event the powers herein declared shall be divided between said board of public works and said city council or other governing body in harmony with the general system of government of said city in reference to the division of authority and duty between the board of public works on the one hand and the council on the other.

Section III. When the council of any city or town shall determine to purchase any sewers or sewer system under the provisions of this statute, the cost of which or any part thereof is

proposed to be assessed against the property abutting on or drained by said sewers or sewer system, it shall adopt an ordinance or resolution to that effect describing the sewers or sewer system proposed to be purchased, giving the name or names of the owner, or owners, of said sewers or sewer system, and establishing or describing the territory or area abutting on or drained, or that may be drained by such sewers, or sewer system, and defining the same by naming the streets, avenues, alleys, or other lines by which the same is bounded. In said ordinance the council shall direct that the city engineer, or such other person as may be designated in such ordinance or resolution, survey said sewers or sewer system, and prepare maps and profiles showing the location of such sewers or sewer system and appurtenances thereto, their sizes, grades, and material of which they are constructed; or may adopt any such survey, maps and profiles and report heretofore made by any engineer under the authority of the council.

Section IV. Such maps, profiles, and information shall be placed on file in the office of the city engineer, or other officer designated in such ordinance or resolution where property owners who may be affected by such purchase may see and examine the same. Thereafter the council may enter into a contract with the owner, or owners, of said sewers, or sewer system, subject to final confirmation by the council under the provisions of this Act, for the purchase of the same at a purchase price and under such terms as may be agreed upon between the parties thereto, the purchase price to be paid in whole or in part as the council may see proper, by assessment against the abutting and drained property. Such contract may prescribe when and under what conditions the title to said sewers or sewer systems shall be conveyed to the city or town; and that any bonds issued or to be issued as hereinafter prescribed for the cost thereof may be secured by mortgage on, or deed of trust to, said sewer or sewer system, in addition to the security of the assignment of the lien on the abutting or drained property hereinafter provided for. Thereupon, the council shall pass an ordinance providing for the purchase of said sewers, or sewer system, describing the boundaries of the area abutting on or drained by them, fixing the cost of the same to the city, including engineer's fees and cost of publication; and providing that the cost of said sewers or sewer system, or any specified portion thereof, shall be assessed against all lots or parcels of land lying within the area abutting on or drained by said sewers, or sewer system, to the extent of the increased value of such property by reason of the special benefits derived from such sewer or sewer system, and from the purchase of the same by the municipality; and in said ordinance the council shall appoint a time when the council will meet, which will be

not less than two weeks after the date of the first publication of said ordinance or resolution, to hear any objections or remonstrances that may be made to the purchase of said sewers or sewer system.

Section V. Said last provided ordinance or resolution must be published once a week for two consecutive weeks in some newspaper published in said city or town. If no newspaper is published therein it may be published either in a newspaper of general circulation or by posting for two weeks in three public places in such city or town.

Section VI. At said meeting or at a place and time to which the same may be adjourned, all persons whose property may be affected by said sewers, or sewer system, or by the proposed purchase of the same, may appear in person or by attorney, or by petition, and object or protest against the purchase of the same, and the council shall consider each objection and protest, if any, and may confirm, amend, modify, or rescind the original ordinance or resolution and the contract of purchase made with the owner or owners of the sewers or sewer system proposed to be purchased; but if objections to the proposed purchase be made by a majority in area of the property owners, against whose property the cost and expense of the proposed purchase is to be assessed, the purchase shall not take place, unless ordered by a two-thirds vote of the council. Any amendment or modification of the contract of purchase shall not be binding upon the owner or owners of the sewers or sewer system until they assent thereto in writing.

Section VII. The council may pay out of the general funds of the city or town, or any special funds that may be provided for the purpose, such portion of the cost of the proposed purchase of said sewers or sewer system as they see proper. The cost of any sewers or sewer system contemplated by this statute shall include the expenses of the preliminary and other surveys and estimates, printing and publishing of notices, resolutions and ordinances required, including notices of assessment, the purchase price of sewers, or sewer system, the cost of preparing bonds, interest on bonds when bonds have been issued in anticipation of the collection of the assessments, and any other expenses necessary for the completion of such purchase.

Section VIII. If the purchase of said sewers, or sewer system be finally ordered, the council shall have power and authority to assess the cost of said sewers, or sewer system, or any part thereof, upon and against all the lots or parcels of land within the territory or area abutting on or drained, or that may be drained by such sewers, or sewer system, to the extent of the increased value of such property by reason of the special benefits derived from such sewers, or sewer system, and from the purchase of the same by the municipality.

Section IX. When any purchase of sewers, or sewer system made under the provisions of this statute is contemplated, the mayor shall cause to be prepared a roll or list, showing the names of the property owners, and opposite each name a description of each lot or parcel of land proposed to be assessed for such purchase belonging to such owner, or owners, and the amount proposed to be assessed against each lot or parcel of land. Such a list shall be entered in a well bound book prepared for that purpose and shall contain appropriate columns in which payments may be credited and the lien of the assessment satisfied by the proper officer of the municipality. Said book shall be known as the "Assessment Book for Local Improvement," and shall be a public record, and no error or mistake in regard to the name of the owner, or in the description of the property, provided the property assessed may be identified from the description used, shall be held to invalidate any assessment, and it shall be sufficient if the name of the last owner as shown by the records in the office of the Judge of Probate of the County is shown in said book. Said list may be kept in any book already provided by the municipality and known as the "Assessment Book for Local Improvements."

Section X. After the completion of the proper entries in said book, said book shall be delivered to the city or town clerk, who shall thereupon give notice by publication one time in some newspaper published in said municipality, or of general circulation therein, that said assessment roll or list has been delivered to him and is open for inspection in the office of the person authorized to make collection of said assessments. At the time and place therein mentioned, not less than twenty days from the date of publication the council will meet to hear and determine any objections or defenses that may be filed to such assessment, or the amount thereof. Such notice shall also state the general character of the sewers or sewer system purchased or proposed to be purchased, and the territory or area abutting on, or drained, or that may be drained by said sewers or sewer system by naming the streets, avenues, alleys, or other highways or other lines by which said district is bounded.

Section 11. If there is any defect in said notice or proceedings before or subsequent to said notice with respect to one or more interested persons, the same shall not affect such notice or proceeding, except in so far as it may touch the interest or property of such person or persons, and shall not avail any other person concerned therein. In case of such defect supplementary proceedings of the same general character as those herein above prescribed may be had in order to supply such defects.

Section 12. The owners of any real estate or any interest therein, which it is proposed to assess for the cost or any part

thereof of said sewer or sewers or sewer system, may appear at any time on or before the date named in said notice, or at said meeting, and file in writing with the Clerk or in his office any objections or defense to the proposed assessment against said property, or to the amount thereof. And persons who do not file objections in writing or protests against such assessment on or before the date named in said notice shall be held to have consented to the same.

Section 13. The council shall hear and pass upon all objections and protests against the proposed assessment under such reasonable rules and regulations as they may adopt, and by the mayor or clerk, or other executive officer, may issue subpoenas for witnesses to appear before the council, or any committee thereof, and to administer oaths to the witnesses to be examined.

Section 14. At such meeting or any adjourned meeting the council shall proceed by order or resolution to fix the amount of the assessment against each lot or tract of land described and included in said assessment roll, and all such assessments from the date of such order or resolution shall be and constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except those of the State and County for taxes.

Section 15. The council of each city or town may transfer and assign such liens to the owner or owners of the sewer or sewers, or sewer system from whom purchased, or to any other person.

Section 16. In addition to the method hereinafter provided for the collection of such assessments, the Circuit Court, in equity, or other court of like chancery jurisdiction, may enforce said liens, and in all suits which may be brought to enforce said liens, either by the council or by its assigns, the complainant shall recover the amount of such assessment, with interest thereon, and the costs of such proceedings.

Section 17. The enforcement by the State, County, City or Town, of its lien for taxes or any lot or parcel of land upon which has been levied an assessment under the provisions of this Act, shall not operate to discharge or in any manner affect the lien of the municipality for said assessment, but the purchaser at a tax sale by the State, County, city or town of any lots or parcels of land upon which an assessment has been levied, shall take the same subject to such assessment.

Section 18. Nor shall the enforcement by the municipality of its lien for an assessment levied for one improvement by the sale of the property operate and discharge, or in any way affect the lien of any other assessment for a different improvement on the same property; but the purchaser at such sale shall take

subject to the lien of all other assessments and the right of the municipality to enforce the same.

Section 19. Any person aggrieved by the decision of the council in making any assessment may appeal to the Circuit Court, or any other court of like jurisdiction under the provisions in the Code of this State, providing for appeals from decisions of city or town councils in making local assessments, and such appeals shall be tried as provided therein, and appeal taken, to the Supreme Court or Court of Appeals as therein provided.

Section 20. The council, in purchasing any sewers, or sewer system, the cost of which or any part thereof is to be assessed against the area drained by such sewer, sewers, or sewer system, may provide that the same shall be paid in cash within thirty days after the final assessment, provided the cost of such sewers or sewer system does not exceed One Thousand Dollars (\$1,000.00), but if the total cost of such purchase is greater than such sum, any property owner may, at his election, to be expressed by notifying the city official charged with the duty of collecting such assessments, in writing within thirty days after the assessment is made final, pay such assessment in not less than ten nor more than fifteen equal annual installments, as determined by the council, which installments shall bear interest at not exceeding eight per cent per annum, payable annually. And the council may further provide that any person may further elect to pay each annual installment in four equal quarterly installments. Any person may pay the whole assessment against any lot or parcel of land within thirty days from the time the assessment is made, and may at any installment period, either annual or quarterly, pay the assessment in full by paying the full amount of the installments, together with all accrued interest thereon and an additional sum equal to six month's interest at eight per cent per annum on the amount of said assessment so paid before maturity as a penalty. Should the property owner desire to pay off the deferred installments between the dates on which they are due, he shall pay interest on the same until the succeeding installment period, together with the penalty above described. The first installment shall be payable within thirty days after the assessment is made final, and all assessments or installments thereof shall be payable at the office of the clerk, tax collector, or treasurer of the city or town as the council may prescribe and all assessments or installments thereof shall bear interest at not exceeding eight per cent per annum after the expiration of thirty days from the date on which the same were made final, which interest shall be due and payable at the time and place the assessment or installment is due and payable. In all cases where the property owner does not elect to pay in installments, or having elected to pay in install-

ments, fails to pay the first installment within thirty days from the date of the assessment, he shall be held to have waived the right to pay in installments, and the entire assessment shall at the expiration of said thirty days, become due and payable.

Section 21. If the property owner who has not elected to pay in installments fails to pay his assessment within thirty days or having elected to pay in installments fails to pay the first installment within thirty days from the date of the assessment or makes default in the payment of any annual or quarterly installment, or the interest thereon, the whole of such assessment shall immediately become due, and payable, and the officer designated by the council to collect such assessment shall proceed to sell the property against which the assessment is made, to the highest bidder for cash; but he shall first give notice, by publication once a week for three consecutive weeks in some newspaper published in the city or town or of general circulation therein, advertising the day of such sale and the purpose for which the same is made together with the description of the property to be sold. Any property owner, notwithstanding his default, may pay the assessment with interest and all costs, if tendered before the sale of the property. The cost of such advertisement and sale shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.

Section 22. The officer making such sale shall execute a deed to the purchaser, which shall convey all the right title and interest which the party against whose property the assessment was made had, or held in said property at the date of making such assessment, or on the date of making such sale. Any surplus arising from such sale shall be paid into the city treasury, to be kept as a separate fund by the treasurer for the owner upon the responsibility of his official bond. The council may, by its agent, purchase real estate sold as provided under this Act, and in the event of such purchase the deed for the same shall be made to the town or the city.

Section 23. Such property may be redeemed by the owner or his assigns or other persons authorized to redeem property sold for taxes by the State of Alabama, within two years from the date of the sale, by paying to the purchaser or the city treasurer for him, the amount for which the property was sold with interest thereon at the rate of fifteen per cent per annum from the date of the sale, together with a fee of \$2.00 for the expense of a conveyance.

Section 24. No mistake in said publication in the description of the property or in the name of the owner shall vitiate the assessment or the lien and if, for any reason the sale made by the city or town is in-effective to pass title, it shall operate as an assignment of the lien, and upon the request of the pur-

chaser supplementary proceedings of the same general character as herein required may be had to correct the errors in said proceeding for his benefit, or the lien so assigned to him may be enforced in equity.

Section 25. For, the purpose of providing funds to pay the costs of said sewer or sewer system authorized to be purchased under the provisions of this act, the council of any city or town may issue bonds, within the limitations prescribed by the Constitution in such amount as may be necessary, not to exceed the total cost of said sewer, or sewers, or sewer system.

Section 26. The council may borrow money on the faith and credit of the city or town, executing the note of the city or town therefor, and pledging as security for such loan the proceeds of the proposed assessments thereafter to be made as provided in this Act, and such sum or sums so borrowed the council may advance in payment or part payment of the cost of such sewer, or sewers, or sewer system; and upon the expiration of thirty days after the assessment for the cost of the same shall have been made final the council may then issue and sell bonds for such amount as may be necessary, after deducting the amount paid by property owners, to pay the cost of such sewers, or sewer system, including such amounts as may have been borrowed for the purpose, and all interest and other expenses incurred in and about the purchase of the same. The council may provide in its contract with the owner, or owners, of the sewer, sewers or sewer system, that such bonds are to be received in payment of the purchase price of such sewers or sewer system, and in such case, upon the expiration of thirty days after the assessment of the cost of the same the council may, by resolution or ordinance authorize the delivery of the bonds to said owner, or owners, in accordance with said contract.

Section 27. Said bonds shall be negotiable and payable to bearer, and may be payable in lawful money, or gold coin of the United States, as the council may prescribe. By the ordinance providing for the issue of such bonds full provision shall be made for their form and character. Said bonds shall have coupons attached to represent the interest thereon, and the council may provide that such bonds may be changed from coupon to registered bonds, or vice versa. Such bonds shall be of such denomination, or denominations as the council may direct, not to exceed \$1,000.00 each and not to be less than \$50.00 each. They shall bear interest at not to exceed six per cent. per annum, payable annually or semi-annually, at such place or places as may be designated therein. They shall be issued under the corporate seal of the city or town, and shall be signed by the Mayor and the treasurer thereof, and shall be disposed of at not less than par; but as above provided the council may, by contract with the owner, or owners, of the sewers or sewer system pur-

chased, provide that the bonds thereafter to be issued to pay for the same may, upon the consummation of said purchase contract, be issued to said owner, or owners, at not less than par in payment of the purchase price of such work. The said bonds shall be payable in from ten years to fifteen years from their date, as determined by the city council, but any bond or bonds so issued and sold shall, at the option of the city or town, be payable at any interest period; but in the event the city or town should elect to pay off any such bond or bonds before maturity, it shall pay as bonus to the holder thereof a sum equal to one-fourth the annual interest thereon, and the city or town shall give public notice of its intention to redeem said bond or bonds, describing the same by number and series, by publication once a week for three consecutive weeks in a newspaper published in said city or town, or of general circulation therein; and if said bonds are registered, such notice shall also be sent by registered mail to the address of the registered owner thereon, where such address is shown on the book of registration.

Section 28. Any city or town having a population of less than six thousand may, notwithstanding the amount or character of any bonded or other indebtedness, issue such bonds, but the same shall be a lien or charge only against the property improved and drained and against the fund collected from the assessments levied against the property improved and drained, and shall not be the general obligation of the city or town, nor shall such city or town be in any way liable to the holders of such bonds in case of failure to collect the same; provided, however, such bonds may be secured by mortgage on, or deed of trust to, said sewers or sewer systems. Such last described bonds, when issued, shall convey and transfer to the owners thereof all right, title and interest in and to the assessment, and the lien upon the respective lots or parcels of ground herein provided for, which liens and assessments shall stand as security for such bonds and coupons until they are paid, with full power in the holder of said bonds or coupons to enforce the collection thereof by foreclosure in any court of competent jurisdiction. Provided that the first bond or coupon holder who institutes a foreclosure suit in any court against any property assessed shall only be entitled to have the proceeds of said suit applied pro rata to the payment of his own bonds and the bonds held by others, so that no more than one foreclosure suit shall be brought against any one lot or parcel of land.

Section 29. The proceeds from the sale of bonds authorized to be issued by this Act shall be applied only to the payment of the cost of the sewer, or sewers, or sewer system designated in the ordinance providing for their issue.

Section 30. It shall be the duty of the city officials charged

with the duty of collecting assessments, to keep a correct account of all funds arising from all such assessments, and to carefully and correctly keep a separate account of the fund arising from the collection of assessments under each particular purchase or improvement ordinance; and no proceeds arising from assessments levied for one improvement or improvements shall be directed to the payment of the bonds or coupons issued for any other purchase or improvement, or to the payment of any other indebtedness of the city, or for any other purposes, whatsoever, except as herein expressly provided.

Section 31. Said official charged with the duty of collecting assessments shall be liable on his official bond, to any holder of the bonds authorized to be issued under this act, for any loss or injury to such bond holder caused by the diversion by said officer of any funds, or part thereof, to the payment of any bonds or coupons or indebtedness of the city or town other than the bonds and interest coupons entitled and indebtedness herein authorized to be paid out of said fund, or by the use or misappropriation by said officer of any part of the funds out of which said bonds are required and contemplated in this Act to be paid for any other purpose than provided for in this Act; or for the benefit of the city or town or others. And all members of the governing body or bodies of the city or town who shall, by their vote, or in any other manner, cause, aid, or encourage any such diversion, use or misappropriation of the funds out of which the bond holders are entitled to be paid, for any other purpose than that authorized and required in this Act, whereby loss or injury to the bond holders, or any of them, is caused, shall be jointly and severally liable to such bond holders injured to the extent of such loss or injury.

Section 32. All proceeds arising from the collection of assessments levied under the provisions of this Act shall, as soon as collected, be deposited and shall be kept by the city official charged with the duty of collecting assessments in some bank or banks paying interest on time deposits, to be designated by the council. Said collections shall not be deposited with the general funds of the city or town but shall constitute a separate deposit to the account of "Public Bond Sewerage Fund," and shall be drawn out on check or order, and the council may pass the proper ordinances and regulations requiring counter signature of said check or orders.

Section 33. At any time, when the amount of any particular fund shall, with its accumulations, equal the amount of outstanding bonds and accrued interest entitled to payment out of such fund, the council shall have authority to redeem any and all such bonds that may be presented for redemption at such time thereafter as the holders thereof may desire to present the same for

redemption. The excess, if any, when all bonds and coupons are redeemed and the interest thereon paid, and not in excess of the total cost and expense of the purchase of such sewer or sewers, or sewer system, to be converted into the general revenue fund of the city.

Section 34. In the event the amount collected from the assessment under any ordinance authorizing the purchase of a sewer, sewers or sewer system, shall exceed the total cost and expense of the same, there shall be refunded to each of the parties affected by said assessment a proportionate amount of the excess upon demand made thereafter by said parties within twelve months after maturity or payment of the bonds authorized by this Act.

Section 35. If such claims be not presented within twelve months from the date of the maturity or payment of the bonds, they shall be forever barred, and such amounts shall be converted to the general revenue fund of the city or town.

Section 36. The council of any city or town purchasing any sewer, or sewers, or sewer system, shall have authority to make reasonable rules and regulations for the operation and maintenance of the same, and to provide penalties for the violation thereof. No charge shall be made for the use of said sewers, or sewer system against any property assessed under the provisions of this Act for the cost of the sewer, or against the owners or tenants thereof, provided, however, that the council may prescribe a maximum volume of drainage for commercial or manufacturing business, or plants, and make charges for such excess, or otherwise regulate the same.

Approved August 20, 1923.

No. 166.)

(S. 221—Jones.

AN ACT.

"To authorize and empower County Boards of Education and City Boards of Education to appropriate and use any district three mill tax that has been or may hereafter be voted in any School District to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such Three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."

Be it enacted by the Legislature of Alabama:

Sec. 1. That the respective County Boards of Education and City Boards of Education in the respective Counties and Cities of the State of Alabama, be, and they hereby are,

authorized and empowered to appropriate and use any district Three Mill tax that has been or may hereafter be voted in any school district to pay and discharge any obligations or debts which may have been or hereafter are, created to build, furnish or equip a public school building for said school district, or to refund money out of the said Three Mill district tax to any person or corporation who has or may hereafter advance money for such purpose.

Sec. 2. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved August 21, 1923.

No. 168.)

(H. J. R. 82. Long.

HOUSE JOINT RESOLUTION

Whereas the contracts used by the New York and the New Orleans Cotton Exchanges, in cotton futures transactions, is a seller's option contract, giving all the optional advantages both as to time and grade of delivery, to the sellers, whose interest it is to depress the price of cotton;

And whereas such seller's option contracts by making uncertain the grades of cotton tenderable under them injects a gambling hazard into the transactions of said Exchanges, and makes easier the manipulation of the price of cotton;

And whereas such seller's option contracts place every disadvantage and hazard of the option upon the buyers, whose interest it is to raise the price of cotton;

And whereas if such transactions are to be permitted to continue it is manifestly but just to all, and especially to cotton producers that these discriminations, uncertainties, and gambling hazards be eliminated from such contracts;

And whereas, the principles incorporated in what is commonly known as "the Dial Amendment" to the Cotton Futures Act would in part remove from these contracts the discrimination in favor of sellers and would in part remove the hazard upon buyers and would in part remove the uncertainty and gambling element in such transactions and make less easy the manipulation of the price of cotton in said exchanges:

Therefore, be it resolved by the House, the Senate concurring, that the Legislature of Alabama endorses the principles incorporated in the Dial amendment to the Cotton Futures Act, and urges the Senators and Representatives of Alabama in the Congress of the United States to use every honorable effort to enact said principles into the law of the land.

Be it further resolved that the Clerk of the House transmit a copy of this resolution to each of said Senators and Representatives.

Approved August 23, 1923.

No. 170.)

(H. 328—Lewis Bowen.

AN ACT.

To amend Section 1 of Article 5, and Section 25 of Article 8 and Section 19 of Article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the state within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the state for school purposes; to provide for rural libraries throughout the state, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to au-

thorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experimental stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind; and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act and to provide for the repeal of inconsistent laws enacted hereafter," Approved September 26, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled, "An Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a state board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties; to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds, to provide for compulsory attendance upon the schools of the state within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation, and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations there-

for; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees; the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama

Academy for the Blind, and of the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school; to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act, and to provide for the repeal of inconsistent laws enacted hereafter; Approved September 26, 1919, be and the same is hereby amended so as to read as follows: Section 1. The general administration and supervision of the public schools and of the educational interests of each county, with the exception of cities and towns of two thousand (2,000) or more inhabitants according to the last or any subsequent Federal Census, which are located in counties having a population of less than three hundred thousand (300,000) according to the last or any subsequent Federal census, and except also towns and cities having a population of six thousand (6,000) or more according to the last or any subsequent Federal census which are located in counties having a population of as much as three hundred thousand (300,000) or more according to the last or any subsequent Federal census, shall be vested in the county board of education. The county board of education shall be composed of five members, who shall be elected by the qualified electors of the county. They shall be persons of good moral character, with at least a fair elementary education, of good standing in their respective communities, and known for their honesty, business ability, public spirit and interest in the good of public education. In the event a vacancy occurs in the office of the county board of education, the vacancy shall be filled by appointment by a majority of the remaining members of the county board of education, and the appointee shall hold until the next general election following the date of the appointment. In the event the vacancy is not filled by the

remaining members of the county board within thirty days, the State Superintendent of Education shall fill such vacancy, by appointment.

Section 2. Be it further enacted that Section 25 of article 8 of said act approved September 26, 1919, be and the same is hereby amended so as to read as follows: Section 25. The city board of education shall perform such other duties as are assigned to it elsewhere in this act, or as may be assigned to it from time to time in accordance with law; Provided, however, that neither Article 8 of this act, nor any section or any of the provisions thereof shall apply to or be operative in any town or city having a population of six thousand (6,000) or less according to the last or any subsequent Federal census which are located in counties of a population of three hundred thousand (300,000) or more according to the last or any subsequent Federal census.

Section 3. Be it further enacted that Section 19 of Article 9 of said Act approved September 26, 1919, be and the same is hereby amended so as to read as follows: Section 19. The city superintendent of schools shall perform such other duties as are assigned to him elsewhere in this Article, or as may be assigned to him in accordance with law; Provided, however, that neither this Article nor any section or any of the provisions thereof shall apply to or be operative in any town or city having a population of six thousand (6,000) or less according to the last or any subsequent Federal census, which are located in counties having a population of three hundred thousand (300,000) or more according to the last or any subsequent Federal census: Provided that this act shall not apply to any county in this State of less than three hundred thousand (300,000) population according to the last Federal census.

Approved August 24, 1923.

No. 171.)

(H. 363—Fite.

AN ACT.

To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent federal census, and to provide for the manner of payment of same.

Be it enacted by the Legislature of Alabama:

Section I. That each circuit judge in Alabama in circuits having a population of over 300,000, according to the last or any subsequent federal census, shall be paid by the State an annual salary of four thousand (\$4,000.00) dollars, payable

in equal monthly installments, as the salaries of other State officers are paid; said salary being the same as is paid by the State to all circuit judges in the State.

Section II. That in addition to said salary paid by the State, each circuit judge in circuits having a population of over 300,000, according to the last or any subsequent federal census, shall be paid by the county or counties composing his circuit an additional annual salary of twenty-four hundred (\$2,400.00) dollars, payable out of the county treasury of the county or counties composing such circuit, in equal monthly installments, upon the warrant of such judge; provided, that, in each of such circuits now or hereafter composed of more than one county, such additional salary shall be paid by the counties composing such respective circuit in proportion to their population according to the then last federal census.

Section III. This Act shall become effective on its approval by the Governor.

Approved August 22, 1923.

No. 172.)

(H. 294. Tunstall.

AN ACT

In reference to and to further provide for the general revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

DEFINITION OF TERMS.

Section 1. That whenever the terms mentioned in this section are employed in this act, they are employed in the following sense: a. The term "property" includes real and personal property. (b) The term "real property" shall be held to mean and include not only land, city, town and village lots, but also all other things thereunto pertaining, and all structures, and all other things so annexed or attached thereto as to pass to a vendee by the conveyance of the land or lot. c. The term "personal property" shall be held to mean and include all things other than real property, which have any pecuniary value, investment in bonds, stocks, joint stock companies, or otherwise. d. The term "money" or "moneys" shall be held to mean and include gold, silver, and other coin, bills of exchange, bank bills, or other bills or notes authorized to be circulated as money, whether in possession, or on deposit subject to the draft of the depositor, or the person having beneficial interest therein, on demand. e. The

term "improvements" includes all buildings, structures, walls, fences, and any other thing erected upon or affixed to the land. f. The term "credit" includes every claim and demand for money, labor, merchandise, or other valuable thing. g. The term "person" or "party" or other word or words importing the singular number shall be held to include firms, companies, associations, and corporations, and all words in the plural number shall apply to single individuals in all cases in which the spirit and intent of this act require it; and all words importing the masculine gender shall also apply to females; and all words importing the present tense shall also apply to the future. h. The term "merchant" as used in this act also includes all persons, co-partnerships or corporations engaged in trading or dealing in any kind of goods, wares, merchandise, either on land or in steamboats, wharfboats, or other craft stationed or plying on the waters of this State, whether such goods or merchandise be kept on hand for sale, or the same be purchased and delivered for profit as ordered. i. The term "value" means the fair and reasonable market value of the taxable property, and shall be estimated at the price at which the property would bring at a fair voluntary sale.

Section 2. The following property and persons shall be exempt from ad valorem taxation and none other: (a) All bonds of the United States and this State, and all county and municipal bonds issued by counties and municipalities in this State; all property, real and personal, of the United States and this State, and of county and municipal corporations in this State; all cemeteries; all property, real and personal, used exclusively for religious worship, for schools or for purposes purely charitable; provided, however, that property, real or personal, owned by any educational, religious or charitable institution, society or corporation, let for rent or hire or for use for business purposes, shall not be exempt from taxation, notwithstanding the income from such property shall be used exclusively for educational, religious or charitable purposes; all mortgages, together with the notes, debts, and credits secured thereby on real and personal property situated in this State, which mortgages have been filed for record and the privilege tax paid thereon; all money on deposit in any bank or banking institution in this State and all other solvent credits; all warrants issued by county boards of education and city boards of education for the purpose of erecting, repairing, furnishing school buildings or for other school purposes, are exempted from taxation. (A1) "All property, real or personal, used exclusively for hospital purposes, to the amount of twenty thousand dollars, where such hospitals maintain wards for charity patients and give treatment to such patients, provided that the treatment of charity patients constitutes at least fifteen per cent of the business of such hospital. (A-2) All property owned

by the American Legion, or any post thereof, provided that such property is used and occupied exclusively by the said organization. (b) All the property of literary and scientific institutions and literary societies, when employed or used in the regular business of such institution; (c) The libraries of ministers of the gospel, and all libraries other than those of a professional character, and all religious books kept for sale by ministers of the gospel and colporteurs. (d) All deaf mutes and insane and blind persons, and their property to the extent of one thousand dollars. (e) From poll tax, all persons permanently disabled whose taxable property does not exceed five hundred dollars. (f) All family portraits. (g) All cotton or other agricultural products which have been raised or grown during the current or preceding calendar year, and which shall remain in the hands of the producer thereof, or his landlord, or in the hands of the purchaser purchasing the same for prompt shipment; all cotton or other agricultural products in the hands of the manufacturer which have been produced in the State of Alabama during the current calendar year; provisions and supplies on hand for the current year for the use of the family and the making of the crop; all wearing apparel; farming tools to the value of one hundred dollars; tools and implements of mechanics to the value of one hundred dollars; and the following property to be selected by the head of each family and not to exceed in the aggregate one hundred and fifty dollars; namely, cows, calves, hogs, sheep, household and kitchen furniture, and sewing machines; provided that no property or subject of taxation mentioned in this subsection shall be exempt from taxation, nor shall any credit, abatement, or reduction be allowed therefrom unless such property or subject of taxation is entered by the taxpayer upon an assessment list and returned by him under oath to the tax assessor. (h) That no license or taxation of any character, except franchise taxes provided by section 229 of the Constitution of the State of Alabama, shall be collected or required to be paid to the State, or any county or municipality therein, by any State or county fair, agricultural association, stock, kennel or poultry show, athletic stadiums owned and controlled by universities, schools or colleges, and which are used exclusively for the purpose of promoting intercollegiate or inter-school athletics. Provided that the revenue received from athletic stadiums, when admission is charged shall be used for the benefit of athletic associations of such universities, colleges or schools. (i) All raw material, including coke, produced in Alabama during the current calendar year, when stocked at any plant or furnace, for manufacturing purposes in Alabama. (j) All manufactured articles, including pig iron, in the hands of the producer or manufacturer thereof, and

at the place of production or manufacture, shall be exempt from taxation for twelve months after its production or manufacture.

(k) All property both real and personal owned by any unit or organization of the Alabama National Guard, officially recognized as such by the Federal Government and organized and maintained by the State, and all property owned by others and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama National Guard, the annual rent or hire of which is not in excess of the annual State, county and municipal taxes on said property shall be and is hereby exempted from taxation by the State, and the county and municipality in which the same may be situated. (g-1.) All poultry raised or kept by any person and of value not more than \$100.00."

Section 2A. The rate of taxation for State purpose shall be sixty-five one hundredths of one per cent per annum on the assessed value of the taxable property within this State.

Section 2B. There is hereby levied for the purpose and upon the property hereinafter named and not specifically exempted from taxation and the property named in all other revenue laws of this State not specifically repealed by this act annual taxes as follows, to-wit: a. For the maintenance of the public schools of this State, thirty cents on each one hundred dollars of the assessed value of taxable property. b. For the relief of needy Confederate soldiers and sailors, resident citizens of Alabama, and their widows, ten cents on each one hundred dollars of the assessed value of taxable property. c. For the use of the State and to raise revenue therefor, twenty-five cents on each one hundred dollars of the assessed value of taxable property.

Section 3. All taxes, unless otherwise provided by law shall become due and payable on the first day of October in each year and shall become delinquent, if not paid before the first day of January succeeding, except in cases when parties have moved or are about to move from the county, and except in cases when parties are closing out or going out of business, and except in cases where insolvency is impending, and except in cases where goods, wares and merchandise are advertised for sale at auction, bankrupt, insolvent, assignment, or fire sales, or where said goods, wares and merchandise are advertised for sale for the satisfaction of creditors, or as closing out or going out of business sale, or in any way where a person is disposing of substantially all of his taxable property in the county in which cases such taxes shall become due and payable at once. Advertisements in the newspapers or otherwise, of a sale of any personal property as a closing out sale, fire sale, bankrupt sale, or any sale of like character shall be prima facie evidence that the collection of taxes due on such property so advertised is endangered within the meaning of this section.

Section 4. All taxable property within this State shall be assessed for the purpose of taxation at sixty per cent of its fair and reasonable market value.

Section 4 $\frac{1}{2}$. MORTGAGES: No mortgage, deed of trust, contract of conditional sale, or other instrument of like character which is given to secure the payment of any debt, and which conveys any real or personal property situated within this State, or any interest therein, shall be received for record unless the following privilege or license taxes shall have been paid upon such instrument before the same shall be offered for record, to-wit: Upon all such instruments which are executed to secure any indebtedness which shall not exceed one hundred dollars, there shall be paid the sum of fifteen cents, and upon all instruments which shall be executed to secure the indebtedness of more than one hundred dollars there shall be paid the sum of fifteen cents for each one hundred dollars of such indebtedness, or fraction thereof, which is secured by said mortgage, deed of trust, contract of conditional sale, or other instrument of like character. (b) If any part of the indebtedness which the mortgagor or debtor in any other instrument is authorized to incur under the terms of the instrument has not been, or will not be, presently incurred at the time such instrument is offered for record, the tax shall be paid on the amount of indebtedness presently incurred, and the State Tax Commission, upon the petition of the owner of any such instrument, or upon the petition of the agent or attorney of such owner, shall ascertain to its own satisfaction the amount then taxable, and the amount to be incurred thereafter, and determine the amount upon which the tax shall be paid at the time such instrument is offered for record, and shall endorse its findings on such instrument. Upon the presentation of such instrument, with such endorsement thereon, the judge of probate of any county in which the instrument is offered for record, upon the payment of the tax upon the amount so ascertained by the State Tax Commission and the recording fees of the probate judge, shall accept the same for record. The State Tax Commission shall also require the owner of such instrument to execute a bond, in an amount sufficient to secure the State the privilege tax to become due and payable under this section upon the amount of the indebtedness to be incurred thereafter, such bond to be approved by the State Tax Commission and payable to the State of Alabama, and conditioned that the owner of such instrument will promptly report to the said State Tax Commission and to the probate judge of the county where said instrument is first filed for record, whenever such owner or his successor in interest incurs any additional indebtedness thereunder, and the amount so incurred; and that the said owner of such instrument will pay or cause to be paid to the

judge of probate of the county in which said mortgage is first filed the privilege or license tax required under this section, upon the accrual of any additional indebtedness, and that the said owner of such instrument will report to the said probate judge and the State Tax Commission during the month of September of each year the amount of all indebtedness and all bonds, debentures, notes or other forms of indebtedness, incurred or certified and delivered under said instrument to such date, and the amount so certified and delivered during the preceding twelve months, and the aggregate of all such evidences of indebtedness certified and delivered under such instrument prior to such year. The bond executed to secure payment of the tax herein required shall cover a term of five years, and after the expiration of said term of five years, the owner of the instrument offered for record shall execute such further bond as may be required by the State Tax Commission covering the succeeding term of five years, and thereafter every term of five years, in the same manner so long as any of the indebtedness authorized to be incurred by such instrument has not been incurred with like condition and in such sum as the said Commission may prescribe: (c) That when any deed is filed for record which recites that part of the purchase money is unpaid, such deed to the extent of such unpaid balance shall be held and treated as a mortgage, and the mortgage tax shall be collected by the judge of probate in addition to the tax for recording the instrument as a deed before recording the same, unless said balance of purchase money shall be secured by mortgage or deed trust which has already been filed for record, and the tax thereon paid, and the fact of such prior payment shall be endorsed on the deed. When any such deed is recorded and the tax thereon is paid, and thereafter a mortgage securing the debt is filed for record, the same shall be admitted to record without the payment of the mortgage tax and the fact of such prior payment shall be endorsed on the deed. (d) The privilege taxes required by law to be paid on mortgages, deeds of trust and similar instruments shall not be required on or for the filing of any such instrument, provided additional or substituted security for any indebtedness secured by an instrument previously filed, upon the filing of which the taxes provided by law have been paid or which was filed at a time when no such privilege taxes were required by law, provided the secured indebtedness remains unchanged in amount and in time of maturity. (e) Upon the filing for record of such mortgage, deed of trust, contract of conditional sale or other instrument of like character, the person to whom the same shall be made payable, or his agent shall present the said instrument to the judge of probate, of the county in which the property conveyed thereby, or any part thereof is situated, and shall pay to the probate

judge the amount of the tax required under this section to be paid upon such mortgage, deed of trust, contract of conditional sale, or other instrument of like character, and upon such payment the probate judge or his clerk shall certify on said mortgage, deed of trust, contract of conditional sale, or other instrument of like character, the fact that the said tax has been paid, and when so certified by the probate judge or his clerk, such instrument shall be admitted to record in any county wherein any of the property mentioned in said instrument is situated, without the payment of any further tax thereon, except the fee to the probate judge for recording such instrument, and such certificate of the probate judge shall be recorded by such probate judge when such instrument is recorded. The tax herein provided for shall be paid upon all contracts for the sale of real or personal property, whether the same be in the nature of a conditional sale, or a bond for title, and no such contract shall be received for record until such tax shall have been paid. (f) When the time for the payment of the indebtedness secured by any such mortgage, deed of trust, contract of conditional sale, or other instrument in the nature of a mortgage, is extended or renewed, and the extent or renewal contract is offered for record the tax required in this section shall be paid on the amount of indebtedness so extended or renewed; and the same shall be governed in all respects by the provisions of this subdivision. There shall be no ad valorem tax collected on any such instrument, or the debt secured thereby which shall have paid the tax prescribed by this section, either State, county or municipal. (g) Of the taxes collected by the probate judge under this section there shall be paid to the county treasurer of the county in which such taxes are collected one-third of the amount collected by him, to be accounted for by him, and the remaining two-thirds of said amount collected, to the State treasury. The probate judge shall receive five per cent of the amount collected by him as compensation for his services in collecting said money, and certifying said instrument, said five to be retained by him out of the moneys collected by him under this section; but when the property described in said instrument is situated within different counties within this State, then the probate judge who collects said taxes shall pay over the amount due the county treasury to the county treasurer of each of the different counties in which said property is situated an amount of said taxes that would be in proportion to the value of the property therein as compared to the value of the whole property within this State described in said instrument. (h) If any part of the property embraced or described in any instrument which is required under this section to pay a record privilege tax is located without this State, the indebtedness upon which the tax shall be paid

for the privilege of recording such instrument shall be that proportion of the indebtedness secured by the instrument which the value of the property located in this State bears to the whole property described in said instrument. The State Tax Commission may ascertain the value of the whole property, and of that part of it which is located within this State, for the purpose of ascertaining the amount of the indebtedness upon which said tax shall be paid. And the value of that part of the property located within this State and the amount of the indebtedness upon which such tax shall be paid shall be ascertained in the following manner: First, the owner of any such instrument, or his agent, or attorney, may petition the State Tax Commission to ascertain the value of the whole property, and of that part of which is located within this State, and the amount of the indebtedness upon which such tax shall be paid, and the State Tax Commission, after hearing such evidence as may be offered, shall fix and determine the value of that part of the property located within this State and the amount of the indebtedness upon which the tax shall be paid and shall endorse its findings on such instrument and upon the presentation of said instrument, with such endorsements, to the probate judge of the county in which any part of the property is located, such instrument upon the payment of the tax upon the amount of such indebtedness as so ascertained by said State Tax Commission and of the recording fees of the probate judge; or, second, the owner of any such instrument, or his agent or attorney, may have such instrument recorded by paying to the probate judge of the county in which the instrument is offered for record, the privilege tax on the entire amount of the indebtedness secured by such instrument, and may thereupon present his petitions to the State Tax Commission within thirty days after such instrument is recorded, and it shall be the duty of said commission to ascertain the value of the whole property and of that part of it located within this State, and to fix and determine the amount of the indebtedness upon which the tax shall be paid, and said Commission shall thereupon ascertain such valuation and fix and determine such indebtedness, and shall order the judge of probate to refund the excess of privilege tax collected by him and the probate judge shall comply with such order; and the tax paid upon the entire amount of such indebtedness shall be held by the probate judge until the State Tax Commission determines the amount of the indebtedness upon which such tax shall be paid.

(i) Any probate judge who shall file for record, or shall receive any mortgage, deed of trust or other instrument in the nature of a mortgage, without collecting the recording or registration tax provided for the recording or registration of such instruments, or who shall fail to certify the fact that such tax has been

paid before filing and recording of such instrument, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one thousand dollars. (j) Every petition filed with the State Tax Commission to ascertain the amount of the mortgage tax due to be paid under this section shall, when the property conveyed in the instrument offered for record is located in more than one county of the State shall show the value of the property conveyed in each county in which the instrument is to be recorded. (k) Any probate judge who fails to keep the abstract of mortgages or other instruments intended to secure the payment of moneys, which are filed in his office for record, as he is required by law to keep, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than five hundred dollars.

Section 5. Any unincorporated bank, private bank or institution doing a banking business that is not incorporated shall be assessed at sixty per cent of its fair and reasonable market value. For the purpose of aiding in determining the amount of such assessment, the owner, president, cashier or manager of such bank shall under oath file with the tax assessor a statement in duplicate, one of which shall be forwarded to the State Tax Commission at Montgomery, Alabama, showing the capital of such bank, its surplus, undivided profits not included in the surplus, and all real estate owned by said bank and situated in this State, with a description of the same and the value of such real estate and the name of the person or the names of the persons who own said bank, what interest or interests in said bank have been sold during the past twelve months, the price of the same, the name of the sellers, and the purchasers, the annual dividends declared by such bank for the last three years and the amount of the capital, surplus and undivided profits not included in the surplus. The Board of Review or State Tax Commission may examine any person with reference to the matters mentioned in said affidavit, and from all sources of information herein provided for, and from all other information that may be obtained, the Board of Review shall determine the amount of such capital, surplus, undivided profits not included in the surplus, and the value of the real estate of such bank. From the amount of the sum of the capital, surplus and undivided profits not included in the surplus so determined, the Board of Review shall deduct the value of the real estate of said bank. The bank shall pay a tax on the real estate and on the residue of all of its capital as above determined.

Section 51½. Subjects of taxation under this act and existing laws shall include all the property, real and personal of hydro-electric power companies.

Section 6. Every share of any incorporated bank or banking association incorporated under the laws of this State, or any other state, or of the United States, shall be assessed for taxation in the county, and in the city or town where such bank is located at sixty per cent of its fair and reasonable market value. For the purpose of determining the value of such shares, the president or managing officer of such bank, or banking association, shall make out and return under oath to the assessor of the county in which such bank is located, and to the State Tax Commission, a list showing the total number of shares of capital of such bank, the name and address of every shareholder, as far as known, the fair and reasonable market value of such shares, and the par value thereof, what sales of stock have been made during the last twelve months, with the names of the sellers and buyers thereof, and the price paid for same, the annual dividends declared upon the stock for the last three years, the value of the shares as shown by the books of the bank by the last report of the officers to the shareholders, the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such president or managing officer shall at the same time in the manner required by law, return to the assessor a statement of all real estate and improvements thereon, and furniture and fixtures, owned by the bank situated in this State and liable for taxation. The value of the shares of such bank for taxation shall be fixed by the Board of Review and said Board of Review in fixing such value shall deduct from the total of the shares the reasonable market value, of the real estate and improvements thereon, and the furniture and fixtures belonging to such bank and assessed for taxation, and sixty per cent of the residue after such deduction shall be the assessed value of such shares, and such residue divided by the whole number of shares, shall constitute the assessed value of each share for taxation. It is the intent and meaning of this section that the real estate of every bank shall be assessed against the bank as other real estate in this State is assessed to the owners thereof, and that such bank shall pay the taxes thereon, and that the shares shall be assessed for taxation against the shareholders at sixty per cent of their fair and reasonable market value, as above determined after deducting therefrom the reasonable market value of the real estate and improvements thereon, and furniture and fixtures of the bank and that the bank shall pay for the shareholders respectively the tax so assessed, against their shares. In arriving at the fair and reasonable market value of the shares, there must be considered everything which gives them value, such as franchise, capital and assets of the bank, the real and personal property, the reserve fund and surplus, the undivided profits not included in the surplus, and all other interests of the

shareholders that would pass to a purchaser on a transfer of his stock, and except as herein expressly provided, no separate tax shall be levied upon these elements, of value or any of them. It shall be no ground of objection to such assessment of shares that it is entered upon the assessment book in the corporate name of the bank.

Section 6½. When any incorporated bank has one or more branches, the president or managing officer, in making out the statement required in the preceding section, shall in addition thereto furnish the tax assessor with a statement of the different locations of the branches of said bank and the names of the counties and towns where situated. Any incorporated bank having one or more branches shall pay taxes on the real estate and improvements thereon, in the county, city or town, where such real estate, furniture and fixtures are situated. The total value of the shares of such bank for State, county, school district and municipal taxation shall be as fixed and determined by the proper legal authorities in the county of its principal place of business and when the total value of such shares has been so determined it shall be the duty of the tax assessor of said county to certify to the tax assessor of each county wherein a branch is located the assessed value of the shares of such bank to be assessed for taxation in each place where such branch is located, but the amount of such assessment shall be ascertained by dividing the total value of such shares by the whole number of places where said bank does business or maintains branches, it being the true intent and purpose of this section, that in each county, and in each school district and in each municipality where a branch bank is located, the real estate and improvements thereon and furniture and fixtures located therein and an equal proportion of said shares based upon the whole number of places where said bank does business shall be assessed therein and taxes collected therein on such property and proportion of shares.

Section 7. The reports required from banks by the preceding sections shall be made on blanks furnished by the State Tax Commission. The failure of any banks to make the report required herein for the assessment for ad valorem taxation by December 31st of the year for which the tax is to be assessed shall subject such bank to a penalty of five dollars per day for each day's delinquency, which penalty may be collected by suit in the name of the State in any court of competent jurisdiction in Montgomery county, Alabama.

Section 8. Every share of any domestic corporation, except banks or banking associations, and "Building and Loan Associations" shall be assessed and the taxes thereon collected in the county wherein such corporation has its home or chief office in the State, and shall be assessed at sixty per cent of its fair and

reasonable market value to the person in whose name such shares stand on the books of the corporation and not to the corporation. The president or managing officer of every such corporation shall make out and return under oath to the tax assessor and to the State Tax Commission a list showing the total number of shares of capital stock of such corporation, and the par value thereof, and the full name and residence of each stockholder, as far as known, the actual market value thereof, the date of the last sale of stock in such corporation, with the name of the seller and the purchaser and the price paid for the same, and the annual dividend declared on the stock of such corporation, for the last three years, and the value of the shares as shown by the books of the corporation, and by the last report of the officers to the shareholders, and the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such other information as may be required by the State Tax Commission. There shall be attached to the copy of the return made to the State Tax Commission a balance sheet showing the condition of such corporation at the close of its fiscal period next preceding Oct. 1st of the year for which the assessment is to be made. The president or managing officer shall at the same time return to the State Tax Commission and the tax assessor a sworn statement of all taxable property, real and personal owned by such corporation, situated in the State, and the State Tax Commission, after passing such upon return, shall deduct from the total value of the shares the reasonable market value of the real and personal property of the corporation as shown to be by the tax return of the corporation, and sixty per cent of the residue of value remaining after such deduction shall be the assessed value of the whole of such shares, and such sixty per cent of the residue divided by the whole number of shares, shall constitute the value of each share for taxation. Provided, however, that if any property owned by a corporation, which property is subject to taxation in this State, is omitted from the tax return filed by the corporation, the same shall be assessed as an escape item or items of taxation in the same manner as escaped property of individuals is assessed and the value of such omitted property shall not be deducted from the value of the shares of stock of the corporation as assessed for taxation. The corporation shall pay for the shareholders the tax assessed against his shares, and the amount so paid for any shareholder shall be a lien on any interest which such shareholder may have in any property owned by the corporation. In arriving at the value of the shares of the stock of a corporation organized under the laws of Alabama for the purpose of conducting an insurance business, there shall be deducted from the value of such shares, in addition to the assessed value of its property, (the amount of its

bonds of the State of Alabama, or bonds of any county or municipality thereof, and of the United States), held by such insurance corporation at the time of such assessment, which said bonds were held during all the six months preceding such assessment. If the aggregate value of shares does not exceed the aggregate value of the real and personal property of the corporation as returned for taxation, then no tax shall be demanded or collected on the shares, and no other deduction shall be made from the aggregate amount or sum at which the real and personal property of the corporation is returned for taxation than is herein specifically provided for. Provided that any corporation within the provisions of this section shall be entitled, for the purpose of arriving at the value of shares for taxation, to have deducted from the value of its shares as returned, the assessed value of property owned by such corporation in other states or in other counties of this State on the next preceding first of October. The State Tax Commission and the tax assessor shall have a right to demand and receive of said corporation a certified copy of the assessment of any property outside of the State of Alabama sought to be deducted as above provided. The State Tax Commission shall deliver said assessment to the tax assessor with its other assessments of property in the county and notice of such assessment shall be given as in other cases. It shall be no ground for objection to such assessment of shares that the same is entered upon the assessment books in the name of the corporation. Provided that no shareholder of any corporation which pays a tax on its franchise or intangible property shall be liable for the taxes specified in this section as to the same property.

Section 9. The reports required from corporations by the preceding sections shall be made on blanks furnished by the State Tax Commission. The failure of corporations to make the reports required herein for the assessment for ad valorem taxation, by December 31st of the year for which the tax is to be assessed shall subject such corporation to a penalty of five dollars per day for each day's delinquency, which penalty may be collected by suit in the name of the State in any court of competent jurisdiction in Montgomery county, Alabama.

Section 10. Every corporation organized under the laws of this State except strictly benevolent, educational or religious corporations shall pay annually to the State an annual franchise tax of sixty cents on each one thousand dollars of its capital stock.

Section 11. That every corporation organized under the laws of any other state, nation or territory, and doing business in this State, except strictly benevolent, educational or religious corporations, shall pay annually to the State an annual franchise tax of sixty cents on each one thousand dollars of the actual amount of capital employed in this State. In ascertaining the annual

franchise tax which shall be paid by any foreign corporation doing business in this State under this section, there shall be deducted from the amount of the capital employed by such corporation in this State the aggregate amount of loans of money made by such corporations in this State, and which shall be secured by existing mortgage or mortgages to it on real estate in this State, and upon which mortgages there shall have been paid the recording privilege tax provided by law.

Section 11½. Remittance for the franchise tax required by sections 10 and 11 shall be made to the State Tax Commission, at Montgomery, Alabama, with checks payable to the State Treasurer of Alabama. One-third of the franchise tax collected shall be apportioned by the State Tax Commission to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the State Auditor shall draw his warrant payable to the county treasurer of each county in such proportion, upon certificate of the State Tax Commission.

Section 12. The president or any executive officer or the secretary of every domestic corporation subject to the franchise tax under this act shall make a written statement under oath to the State Tax Commission showing the following facts: (1) The date and place of incorporation and the total amount of subscribed stock with which it began business; (2) the total authorized capital stock of the corporation; (3) a brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties; (4) the balance sheet of such corporation as shown after closing its books on December 31st preceding or after closing its books at the end of its preceding fiscal year; (5) such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due. The president or any executive officer or the secretary of every foreign corporation subject to the franchise tax under this act shall make a written statement under oath to the State Tax Commission showing the following facts:

First. The date and place of incorporation, and the date such corporation qualified to do business in this State. Second. The total amount of its capital employed in this State. 3. A brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties. 4. The amount of capital employed in this State which is secured by existing mortgages on real estate in this State, upon which mortgages there shall have been paid the recording privilege tax provided by law. 5. Such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due.

The statement required by this section shall be made on blanks prepared and furnished by the State Tax Commission on application of the corporation or otherwise, such blanks to be paid for out of the general appropriation for printing.

Such written statements under oath to the State Tax Commission shall be made and filed with said State Tax Commission between the first day of January and the fifteenth day of March of the calendar year for the franchise tax to be paid for that calendar year.

Section 13. Any corporation failing to make the report required by the next preceding section, or to furnish all the information demanded, on or before the fifteenth day of March of each year, shall be subject to a penalty of ten dollars a day for each day's failure, unless the time for filing the report has been extended by the State Tax Commission, or unless the State Tax Commission shall for good and sufficient cause remit the penalty provided in this section.. Any suit for the collection of this penalty shall be brought in the name of the State in any court of competent jurisdiction in Montgomery county, Alabama.

Section 14. If any domestic corporation is organized after the first day of July of any year, or if any foreign corporation qualifies to do business in the State of Alabama after the first day of July of any year, the amount of the franchise tax levied by this act shall be, for the remainder of the calendar year in which said corporation is organized or qualified to do business, one-half of the years' tax.

Section 15. The franchise tax of domestic and foreign corporations as authorized and levied by this act shall run according to the calendar year and shall be due on the first day of April of each year for the tax of the current calendar year. Such corporation shall be allowed thirty days after the first day of April within which to pay said tax, but if delinquency continues after thirty days there shall be collected a penalty of five per cent for each month or part thereof that the tax shall remain unpaid after the beginning of the delinquent period. A foreign corporation, however, which has complied with provisions of this act as to filing a sworn statement shall not be considered delinquent nor subject to the five per cent monthly penalty until after thirty days from the date of the assessment against it by the State Tax Commission. Nothing in this section shall prevent suit against a foreign corporation which has failed to make the required report without an assessment first having been made against it by the State Tax Commission. The State Tax Commission, may for good cause remit the penalties provided in this section.

Section 16. The reports to the State Tax Commission by any corporation, domestic or foreign, for the purpose of determining the amounts of franchise tax due by such corporation shall be

made upon blanks to be furnished by the State Tax Commission, and it shall be the duty of said Commission to mail to the corporations such blanks, provided that the mailing of such blanks to a domestic corporation shall be a notice to such corporation that the payment of the franchise tax provided by this act is due to be paid on the first day of April, and will be delinquent after thirty days from such date. And the due date of payment and the time of delinquency shall be printed in a prominent space on the front page of the blank forms herein provided in "red letters." All blank forms required for franchise tax reports shall be paid for out of the general appropriation for printing.

Section 17. That whenever a corporation shall be dissolved in this State by an agreement of the stockholders filed in the office of the probate judge of the county wherein the corporation was organized, such probate judge shall at once give notice to the State Tax Commission and Secretary of State of such dissolution, with the name of the corporation, the amount of its capital stock, and the date of the dissolution; and whenever a dissolution of a corporation organized under the laws of this State shall take place by decree of a court, upon the filing of a bill under the laws of this State by the creditors or stockholders, the clerk of said court shall at once notify the State Tax Commission and Secretary of State of such dissolution, giving the name of the corporation, the amount of its capital stock and the date of such decree of dissolution. In any cases where petitions are filed in any court by the creditors or stockholders for the dissolution of a corporation in case of insolvency thereof, the clerk of said court shall give notice of said suit and the pendency thereof to the State Tax Commission in order that the State Tax Commission may file a petition in the cause in the court for the purpose of collecting any unpaid franchise tax owing by said corporation. The failure of any probate judge or clerk of a court to make the report required by this section within thirty days from the date of dissolution shall subject such probate judge or clerk to a penalty of one dollar a day for each day's failure to make said report after the expiration of thirty days from said date of such dissolution.

Section 18. The State Tax Commission shall, as soon as possible after the required report has been filed with it by a foreign corporation, ascertain and assess the amount of franchise tax due by such corporation. Such assessment shall be duly made and entered on the minutes of the Commission and the Commission shall thereupon notify such corporation by registered mail of the date and amount of the assessment. This assessment shall have the full force and effect of a judgment on which execution may be issued by the State Tax Commission, directed to

any sheriff in Alabama, unless the corporation appeals from such assessment as allowed by this act.

Section 19. The State Tax Commission may summon before it any officer or employee of the corporation, or any other witness, swear and examine them with respect to any fact showing the amount of franchise tax due by such corporation, and the State Tax Commission or its representatives shall be allowed to examine any books, papers or documents of the corporation except reports, records of or copies of reports made to the Federal Government by or for the corporation for tax purposes, and if any corporation shall refuse to allow such examination to be made at their main office or principal place of business in Alabama, the State Tax Commission may require the production before it at the court house in the county in Alabama where the corporation has its main office or principal place of business of any books, papers or documents, except reports, records of or copies of reports made to the Federal Government by or for the corporation for tax purposes. The summons of witnesses to appear before it or the notice to corporations to produce books, papers or documents before it may be issued in the name of the State Tax Commission, signed by the secretary of said Commission, such summons or notice shall be directed to any sheriff of the State of Alabama and must be served by any sheriff to whom such summons or notice is delivered by the State Tax Commission for service. The State Tax Commission, any member thereof, or any authorized agent of said Commission, is given full authority to inspect or examine, during business hours at the office of the corporation in this State where its books are kept, or, if said books are kept outside of the State, then at the office outside of the State where such books are kept by the corporation, all books, papers or documents of said corporation. Any person who willfully fails to appear before the Commission after being summoned as a witness or having appeared refuses to testify as to any material matters required of him by the Commission, or any corporation or any agent thereof who refuses to produce before the Commission after notice given him, any books, papers or documents required to be produced, or any corporation or agent thereof in custody of the books, papers or documents of the corporation who refuses to allow said State Tax Commission, any member thereof, or any authorized agent of said Commission, to inspect or examine said books, papers or documents at the office of said corporation during business hours, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and may also be imprisoned in the county jail for not longer than thirty days.

Section 20. Either the State or the foreign corporation may

appeal from the final assessment made by the State Tax Commission to the circuit court of Montgomery county sitting in equity, by filing notice of appeal with the secretary of the State Tax Commission and with the register of the circuit court of Montgomery county, within fifteen days from the date of said final assessment made and entered on the minutes of the Commission, as required by this act. The State Tax Commission is required to give immediate notice to the Attorney General of said final assessment. In addition to filing notice of appeal, the corporation must give bond, to be approved by the register of the circuit court of Montgomery county, in double the amount of said final assessment, payable to the State of Alabama and conditioned to pay such judgment as may be rendered against it in the circuit court. If the assessment appealed from by the corporation is sustained in the circuit court, the five per cent penalty provided for herein shall be calculated to the date of the judgment and included as a part of the judgment against the corporation in the circuit court. If the judgment against the corporation in the circuit court is for a less amount than the assessment made by the State Tax Commission, the said five per cent monthly penalty shall not be included in the judgment against the corporation.

Section 21. The payment of the franchise tax required by this act shall not exempt any corporation paying same from the payment of any regular license or privilege tax required by law for the engaging in or carrying on any business for which a license or privilege tax is required of individuals, firms or corporations.

Section 22. Each domestic corporation immediately on its organization shall make and file with the State Tax Commission the statement required by this act. Every probate judge of the State shall be supplied by the State Tax Commission with blanks for making such reports, to be used by the newly organized corporation in making the required report. A failure to make the required report and file same with the State Tax Commission within ten days after the date of organization shall subject the corporation to a penalty of ten dollars a day for each day's failure after the end of ten days to make and file the required report, which penalty may be collected in one and the same suit in the name of the State against all parties liable therefor. Provided that for good cause entered of record the State Tax Commission may remit the penalties against all parties liable therefor on filing of the required report and payment of the franchise tax due, but not otherwise.

Section 23. Each foreign corporation immediately after qualifying to do business in Alabama shall make and file with the State Tax Commission the statement required by this act. The

Secretary of State shall be supplied by the State Tax Commission with blanks for making such reports, to be used by the newly qualified corporation in making the required report. A failure to make the required report and file same with the State Tax Commission within ten days after the said corporation qualifies to do business in Alabama shall subject the corporation and its designated agent in Alabama to a penalty of ten dollars a day for each day's failure after the end of ten days to make and file the required report, which penalty may be collected in one and the same suit in the name of the State against all parties liable therefor. Provided that for good cause entered of record, the State Tax Commission may remit the penalties against all parties liable therefor in filing of the required report and payment of the franchise tax ascertained to be due, but not otherwise. The delinquent foreign corporation under this section, after filing the required report, shall be allowed to appeal from the final assessment of the State Tax Commission in the same manner as non-delinquent foreign corporations. If the assessment appealed from by the corporation is sustained in the circuit court of Montgomery county, the penalty provided by this section and the penalty provided by section 15 of this act shall be calculated to the date of the judgment and included in the judgment rendered against the corporation in the circuit court. If the judgment against the corporation in the circuit court is for a less amount than the assessment made by the State Tax Commission, then the five per cent penalty provided by this act shall not be included in the judgment against the corporation.

Section 24. The payment of the franchise tax provided herein shall be made to the State Tax Commission of Alabama, at Montgomery, Alabama, with checks made payable to the State Treasurer of Alabama, and the State Tax Commission shall without delay, cover into the State treasury, taking a receipt therefor, all money received by it in payment of franchise taxes.

Section 25. The first franchise tax to be collected under this act will be for the calendar year commencing January 1st, 1924. The provisions of the 1919 revenue law as to the amount and due date of franchise taxes shall remain in force until December 31st, 1923.

Section 26. There may be collected as hereinafter provided, from every person in this State over the age of twenty-one years and under the age of forty-five years, not exempt by law, the sum of one dollar and fifty cents as poll tax, which shall be applied exclusively in aid of the public school fund in the counties in which it is levied and collected.

Section 27. The State Auditor with the approval of the Governor, shall prepare and have printed suitable forms of poll tax receipts, with appropriate blanks for name, color, sex, address,

precinct or ward, and year for which paid and date of payment. Before the first day of October of each year he shall furnish to the several tax collectors a supply of blank receipts, countersigned by him, sufficient for the probable wants of the several counties, taking the tax collector's receipt for same. Each blank receipt for such poll tax shall have a duplicate attached thereto, on which shall be printed such matter as the auditor may prescribe, the number of such receipt and appropriate blank spaces to be filled in by the tax collector, showing by whom paid, and when and for what year, and shall take and file in his office a proper receipt from the tax collector for the poll tax receipt so furnished him.

Section 28. Each year the tax collector of each county shall prepare, on or before the fifteenth of March, and shall file in the office of the judge of probate of their respective counties an alphabetical list by beats and voting districts, containing names of all persons in said county, their sex and color, who have, on or before the first day of February of the current year, paid a poll tax, and giving the number of poll tax receipt issued to each person. Said names, with the information as to color and sex of each person, and number of poll tax receipt shall be entered in a suitable book for that purpose, provided at the expense of the county.

Section 29. For the service required in the preceding section, when performed, the several tax collectors shall be entitled to the sum of two and one-half cents for each name so entered, to be paid out of the general fund of their respective counties, on the warrant of the probate judge, provided, however, no tax collector shall receive any compensation for the service required in the preceding section unless he shall have complied with the provisions therein.

Section 30. It is the duty of every person in every election precinct to attend in person before the assessor on the first day of the appointment in the precinct of the taxpayer's residence, and then and there render to the assessor under oath a full and complete list of all property of which he was owner, or in which he had any interest whatever, or of which he was trustee or agent on the first day of October of that year, and to enter upon such paper the amount of fire insurance carried upon any of the property so listed. The land and improvements thereon must be separately listed. On failure of the taxpayer for thirty days after demand or notice by the tax assessor, to furnish a sufficient description of his real estate, said tax assessor shall secure such description from the records of conveyance in the office of the probate court of his county, and if he is unable to get a sufficient description from such records, then by a survey of property by the county surveyor or otherwise, and the reasonable expenses

incident thereto shall be allowed by the commissioners court or board of revenue, and paid out of the general fund of the county wherein the property involved is located, and such amount as is allowed shall be added as costs to the taxes assessed against such taxpayer, and when collected shall be covered into the general fund of the county.

Section 30½. The Tax Assessor or his deputy, or any other officer administering the oath to the person making return of property for taxation, must orally administer the following oath to every taxpayer before making his returns: "You do solemnly swear that you will true answers make to all lawful questions which may be put to you touching the returns you are about to make, and that you will make a full and complete return of all property owned by you, or in which you had any interest whatever or of which you were trustee or agent on the first day of October of the present tax year, and that you will make a full, complete and true statement of the amount of fire insurance thereon, and this return is made upon your personal knowledge, so help you God."

Section 31. After administering the foregoing oath, the assessor, his deputy or other officer shall particularly inquire of the taxpayer as to the items of property and subjects of taxation owned by the taxpayer, and for which he is liable to be taxed, and property exempt from taxation, which shall be listed by items, in order that he may elicit from the taxpayer a complete statement of the whole amount and specified items of property, and subjects of taxation with which he should be charged for purposes of assessment and taxation, and the same shall be entered upon the proper blank, and the tax assessor, his deputy or other officer administering the oath, shall require the taxpayer to give an estimate of the value of each item of personal property, and the taxpayer shall, in making his returns, state how much fire insurance he carries on the improvements on his real estate, and how much fire insurance he carries on his personal property, but nothing in this act shall be construed as requiring the taxpayer to make oath as to the value of the property. Each taxpayer shall give to the assessor his occupation and post office address.

Section 32. Commission merchants, and all persons trading and dealing on commissions, and assignees authorized to sell, and persons having in their possession goods, wares or merchandise belonging to another, and subject to taxation in any county, city or town in Alabama, where said property is located, when the owner of the property does not reside in the county are deemed to be owners of the property in their possession for the purpose of assessment, and unless such goods, wares or merchandise have been otherwise listed for taxation the same shall be as-

sessed to the person, firm or corporation who has such goods in their possession; and in no case shall the assessment be less than sixty per cent of the fair and reasonable market value of the average amount of goods, wares or merchandise so held during the twelve months next preceding the first day of October when same are due to be assessed for taxation. In assessing such stocks of goods, wares or merchandise, the assessor shall require the production of the last inventory taken and attach the same to the tax return list, and if in the judgment of the assessor, such inventory is not correct, or if such time has elapsed since the inventory was taken that it shall have ceased to be reliable as to the value or amount thereof, he shall make report of same to the State Tax Commission.

Section 33. The person giving in such property for taxation shall enter upon said list his estimated value of every item of personal property listed, for the information of the official or officials whose duty it is to fix the assessment valuation of taxable property, but nothing in this act shall be construed as requiring the taxpayer to make oath as to the value of the property. It shall be the duty of the tax assessor to enter upon the tax return in the column provided, the next preceding year's valuation for assessment of real estate and also to note on the tax return list whether there has been any physical change, such as improvements, etc., since the preceding year's assessment was made. Every person shall enter upon the assessment list his occupation and post office address.

Section 34. For the purpose of assessment, real and personal property shall be estimated at its fair market value, according to the best judgment the assessor and the Board of Review can form upon information, inspection and otherwise, taking into consideration, if real estate, its location, whether in town, city or county, and whether it is vacant, or is occupied or in use, and if occupied and in use, the rent derived therefrom, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, or coal beds, and the amount and character of the improvements thereon; and mineral and timber interests when they have been severed in ownership from the soil, by sale or otherwise, shall be separately assessed.

Section 35. The State Tax Commission or the agents or assistants thereof, may work in an advisory capacity with the several county tax assessors of the State in the assessment and valuation of property. Any valuation fixed by the tax assessor on any property returned for taxation may be approved by the State Tax Commission, which approval, if made, must be shown on each separate return so approved. When a tax return has been so approved by the State Tax Commission, the State has no appeal from such approved assessment. The taxpayer, how-

ever, may appeal from such assessment in the same manner and within the same time as appeals are allowed from non-approved assessments. The several county tax assessors are required to keep a docket of all non-approved assessments in such form and containing such data as may be prescribed by the State Tax Commission. Such docket shall be furnished to the assessors by the State Tax Commission. The payment for such dockets shall be made out of the general appropriation for printing.

Section 36. The assessor shall, from information entered on the tax return list and from all other information known to him, or which he may procure, proceed to ascertain what, in his best judgment, is a fair and reasonable market value of each item of property returned by or listed to any taxpayer; provided, however, that the assessed value of any real estate or improvements as fixed for taxation for the year next preceding the then current tax year shall be prima facie the basis of the value of such property for assessment for the current tax year and such property shall not be assessed for taxation at a less valuation unless upon evidence submitted to the Board of Review, as provided for herein, it is found that the assessed valuation of the property reviewed should be reduced; and the assessor shall in separate columns, enter on such list such amount and value, and the deduction for exemption to which such taxpayer is entitled; and the tax assessor shall also add to such list any item of property subject to taxation, owned by such taxpayer, or in which he has any interest whatever and which he has failed or omitted to place on such list; and the taxpayer shall be given notice by the assessor, by registered mail, return receipt demanded, or in person, of the items of property added to his assessment list after such list has been filed and before the tax assessor has completed his assessment; and the assessor shall, upon demand, furnish the taxpayer with a certified copy of his assessment list so amended. In the event the value of real or personal property of any taxpayer is increased by the Board of Review, herein created, over the assessed value thereof, for the next preceding year, the taxpayer shall be furnished by registered mail, return receipt demanded, or in person, by the Secretary of the Board of Review, with a statement showing separately the value of his personal property, and his real property, and improvements thereon, such statement to be signed by the Chairman of the Board of Review, and also that such taxpayer may file in writing, with the Secretary of the Board of Review, on or before the last Monday in May, objections to any assessed valuation fixed as herein provided. But failure to give or receive the notices required in this section shall not invalidate such assessment. Provided, however, that the taxpayer shall have the right any time before the taxes become delinquent to appear before the

Board of Review and have the assessment of his property reopened, if satisfactory proof is made that the taxpayer or his agent did not receive notice of such increase. The expense of postage incurred in carrying out the provisions of this section shall be paid in equal proportions by the county and State, upon a certified statement thereof by the Secretary of the Board of Review, filed with the court of county commissioners, or the board or court of like jurisdiction and with the State Auditor. The Tax Assessor shall be allowed twenty-five cents for each notice served as provided in this act, where the assessed valuation of any taxpayer's property is increased over the valuation as fixed for the preceding year, the same to be charged and collected as fees are collected for delinquent assessments.

Section 37. Having failed to procure on verbal or written demand from any delinquent his list of taxable property before the first Monday in February, the assessor shall ascertain from inquiry or otherwise the property and other subjects of taxation upon which such person is liable to be taxed, and shall list and make return thereof upon the proper blank and note upon such returns the failure of the owner after notice to make such return and the accrual of a penalty of ten per cent of the taxes to be assessed thereon.

Section 38. When the assessor shall have completed his work of assessing, valuing and equalizing property, which has been listed for taxation in his county and such valuation shall have been entered on the assessment lists, which shall not be later than the last Monday in March of each year, he shall certify over his signature to the correctness of the returns, showing valuations fixed by him, and he shall at once notify the State Tax Commission by registered mail, that he has completed his assessment, valuation and equalization work and that the tax returns are ready for the review and inspection as provided for in this act. Such lists of property shall be by the assessor delivered to the Board of Review not later than the second Monday in April.

Section 39. Whenever the tax assessor shall discover that any property has escaped taxation in any assessment within five years next preceding the current year, he shall list, return and value said property for assessment for the years during which same has escaped taxation, and shall also endorse on such returns the year or years for which the property has escaped taxation, and the accrual of a penalty of ten per cent of the taxes assessed thereon for each year. The tax assessor shall give notice of such escape assessment, either in person or by registered mail, to the owner, or to the agent or attorney of such owner, who may appear before the tax assessor in person within twenty (20) days after such notice is given, if there be any ob-

jection to the assessment valuation as finally fixed for taxation by the assessor, the property owner may appeal from the assessment to the circuit court of the county in which the property is located at the next regular session of such court after the assessment is made final by the tax assessor, and such property owner shall give bond as provided herein for tax cases appealed to the circuit court.

Section 40. No penalties assessed against any property owner or his property for failure to return property for taxation shall be remitted except by order of the State Tax Commission upon proof that the delinquent taxpayer was absent from the State, and had no resident agent therein during the time for making returns of property for taxation, or when such taxpayer labors under the disabilities of minority, or is a lunatic, or upon proof made that he was unable, by reason of sickness, to make such returns in time required by law.

Section 41. Whenever the tax assessor knows or learns of any property, real or personal, subject to taxation in his county, the owner of which he does not know, and which is not embraced in any tax return made to him, prior to the first Monday in February by any taxpayer, he shall list and make upon the proper blank a return describing said property according to the best information he can obtain and assess the same "owner unknown" at sixty per cent of a fair and reasonable market value, and in any notice or advertisement or motion for decree of sale it shall be described as so returned; and he shall also note the failure of the owner to make such return, and shall also note the accrual of the penalty of ten per cent of the taxes to be assessed thereon. No lands shall be returned to "owner unknown" until the assessor shall have made a demand upon the person, if resident in the county, or by registered mail, if non-resident, whose address is known, to whom such lands or property was last assessed, and the said assessor shall make a diligent inquiry to ascertain the name of the owner of said lands or property. Any assessor or deputy assessor who fails to comply with the requirements of this section shall be guilty of a misdemeanor.

Section 42. The tax assessor must make and enter in an assessment book, suitably ruled and substantially bound, in form as prescribed by the State Tax Commission, a condensed statement of all assessments made during each tax year, showing in separate columns the name of the owner, a description of the real estate and improvements thereon, the assessed value thereof, and the value of the personal property assessed for taxation; and the assessor shall compute and enter opposite the name of each taxpayer the aggregate amount of State, county and special taxes with which such taxpayer is charged. When the hearing of objections to assessments has been completed as herein

provided, the tax assessor shall complete the said book by making the proper entries therein, and foot up at the bottom of each page the aggregate amount of such taxes and show in conclusion the aggregate of all such taxes. When appeals have been taken to the circuit court, as herein provided, this fact must be stated. Provided that in all counties which may now have or which may hereafter have property, the assessed value of which amounts to one hundred million dollars (\$100,000,000) or more, the assessor shall not be required to prepare a book of assessments as provided for in this section, but in lieu thereof shall be required to arrange in alphabetical order original assessment lists, and cause the same to be permanently bound, and such assessment lists when bound, shall constitute the book of assessments as herein provided, and the certificate of the State Tax Commission, or the agent or assistant thereof provided for in the next section, shall be entered upon each of said bound volumes of assessments. Such assessment lists when bound shall be preserved permanently as a matter of record. In making the tax collector's abstracts, such abstracts shall be made direct from the assessment lists.

Section 43. After the book of assessments has been completed as herein provided, the State Tax Commission or the agent or assistant thereof, shall certify on the book of assessments that the same has been examined and corrected by him by comparing the book of assessments with the tax returns showing final valuations, both as to items of property and amounts of assessments, and that the amount of State tax is \$..... (here give amount)....., the amount of county taxes is \$..... (here give amount)..... the amount of special taxes is \$..... (here give amount)....., specifying the total amount of each of such taxes, and such certificate is to be the warrant to the tax collector of the county to proceed to collect such taxes in the manner directed by law.

Section 44. When the book of assessments has been completed as herein provided, the county tax assessor must without delay make out in triplicate upon forms to be furnished by the State Tax Commission, a complete abstract of all real and personal property as contained in the assessment book of his county, showing the total amount and value of each class of taxable property, and property exempt from taxation, and the amount of taxes on each item, extended in a column; such abstract of assessment must be approved and certified to by the State Tax Commission, one of which the said tax assessor must forward to the State Auditor not later than the second Monday in September of each year, one to the State Tax Commission, at Montgomery, and the other he must deliver to the tax collector by said date. The State Auditor shall report to the Governor any tax

assessor who for five days after the date required has failed to forward to the State Auditor the abstract of assessment of his county, and the Governor shall forthwith require of such tax assessor an official report of the cause of such failure.

Section 45. After the book of assessments has been completed as herein provided, the tax assessor must enter in a book in concise form, the amount of taxes assessed against each taxpayer, showing separately the amount of taxes on real estate and personal property and other subjects of taxation, and the total amount of tax due, and the fees of the assessor with a blank for the fees of the collector; and such book he must turn over to the tax collector on or before the fifteenth day of September. For the services rendered by him in preparing such book, he shall receive compensation to be allowed by the court of county commissioners as follows, viz: In counties where the aggregate assessed value of real and personal property amounts to two million dollars or less, one hundred dollars; when the assessed value amounts to more than two million, and not exceeding four million dollars, one hundred and twenty-five dollars; when the assessed values amount to more than four million and not exceeding six million dollars, one hundred and seventy-five dollars; when the assessed values amount to more than six million and not exceeding eight million dollars, two hundred dollars; when the assessed values amount to more than eight million dollars such compensation as may be fixed by the court of county commissioners, not less than two hundred and fifty and not exceeding six hundred dollars; but any assessor who fails to complete such abstract by the time required shall forfeit all right to compensation.

Section 46. It is the duty of the tax assessor of every county in the State to procure at the expense of the county a book in the form to be prescribed by the State Tax Commission, in which he shall enter a complete map and list of all the blocks and lots which have been platted, and the maps of which are recorded in the office of the judge of probate or can be procured within his county, beginning with the lowest numbered block and lot and proceeding in numerical order to the highest, with the name of the owner set opposite each block and lot, together with the assessed value thereof. Each subdivision or addition to any town or city shall be shown by proper headings at the top of each page of such lot book, and by index in the front thereof. The tax assessor shall annually make the entries thereon, for which he may be allowed a reasonable compensation by the court of county commissioners or board of revenue.

Section 47. The tax assessor shall make, or cause to be made, a complete plat book or books of all real estate in the county, unless such book or books have already been provided,

in a form to be prescribed by the State Tax Commission, in which the name of the owner shall be entered on each separate subdivision, together with the assessed value thereof. The court of county commissioners or court of like jurisdiction shall pay out of the general fund of the county, for making out the plat books required by this and the preceding section, a reasonable compensation to the person performing said work, which debt shall be a preferred claim against the county.

Section 48. When the tax assessor has reason to believe that any person whose property has been or is due to be assessed for taxation, either for the current tax year or any preceding year, has removed or is about to remove from the county, or that such person is closing out or going out of business by selling or disposing of substantially all of his personal property on which taxes would be due on the next following October first, or where insolvency is impending, or where goods, wares or merchandise are advertised for sale at auction, bankrupt, insolvent, assignment or fire sale, or where goods, wares or merchandise are to be sold or advertised to be sold for the satisfying of creditors, he shall at once notify the tax collector in writing, if the property has been assessed, and if the property has not been assessed, the assessor shall at once make an assessment against the same and deliver the assessment so made to the tax collector, and on his failure to do so, he shall be liable for the full amount of the tax due on or to become due on such assessment. Advertisements in the newspapers or otherwise of a sale of any property as a closing out sale, bankrupt sale, fire sale, or any sale of like character, shall be prima facie evidence that the collection of taxes due or to become due on the next following October first, on such property, is endangered, within the meaning of this section.

Section 49. The tax assessor shall assess the taxes against each auctioneer, as provided by law, and shall enter the same on his books as in cases of other assessment, and such assessor shall immediately make a statement of such assessment and deliver the same to the tax collector for collection. Such taxes become assessable and payable immediately upon the expiration of each such auction sale.

Section 50. The members of the courts of county commissioners or boards of revenue, other than the judge of probate, of the several counties of the State, together with the tax assessor of such counties are hereby constituted a board of review, whose duty it shall be to inspect, review, revise and fix the value of all the property returned to or listed with the tax assessor for taxation each year; and it shall be the duty of the tax assessor of the several counties to act as secretary of such board, provided, however, nothing in this act shall be construed to require the tax assessor or boards of review to value any property required

by law to be assessed for taxation by the State Tax Commission. The majority of the board of review shall constitute a quorum of such board for the performance of the duties required herein; provided that at any time the State Tax Commission shall deem it necessary, it may go or send their agent or representative into any county with authority to act in an advisory capacity and in conjunction with the board of review, and acting for the State Tax Commission, in the assessment and valuation of property for taxation, so as to effect and secure fairness and equality of tax assessment in such county and between and among all the counties; provided further that in all counties having a population of 75,000 and over according to the last or any subsequent Federal census, three members of the Board of Review shall constitute a quorum.

Section 51. It shall be the duty of the members of the commissioners or other court of like jurisdiction, at the regular February term in 1924, to sit with the tax assessor, and at such sitting select a chairman of the Board of Review herein provided for; and to make such rules and regulations as may be necessary to carry out the provisions of this act as to the assessment and valuation of property for taxation. (a) The Board of Review shall have authority at any time to make such rules and regulations as it may deem necessary to carry out the provisions of this act, not in conflict with the provisions hereof.

Section 52. The members of the courts of county commissioners or boards of revenue, or courts of like jurisdiction of the several counties of the State shall receive, as members of the Board of Review, the same per diem and paid in the same manner as when sitting at a regular term of such court of county commissioners or board of revenue, when such compensation is fixed on a per diem basis, which compensation shall be in addition to that as now fixed by law, except in counties where such officials are paid a salary.

Section 53. Each member of the Board of Review herein created, before entering upon his duties, in addition to taking the regular oath of office now prescribed by the laws of the State of Alabama, shall take and subscribe to the following oath: "I do solemnly swear that I will faithfully discharge the duties of adjusting tax values, and that I will fix the valuation of all property listed for taxation and submitted for review to the board of which I am a member, on a basis of its fair and reasonable market value, to the best of my knowledge and ability, so help me God."

Section 54. When the assessor shall have completed the assessment, valuation and equalization work in his county, as provided in this act, he shall notify each member of the Board of Review and such board shall meet on the second Monday in April

and sit at the courthouse of the county from day to day until their duties are completed, which shall not be later than the first Monday in May, and shall review, revise, correct and fix the assessment values made by the tax assessor by raising or lowering the assessment of any person, partnership, corporation or association, except such assessments as have been approved by the State Tax Commission, as to any or all of the items of his assessment, in such manner as to secure the assessment of property at sixty per cent of its fair and reasonable market value. The majority of a quorum of the Board of Review shall govern in fixing the value for assessment of all property before them for determination.

Section 55. It shall be the duty of the Board of Review to meet on the second Monday in April and sit as long as may be necessary to carefully examine and inspect all tax returns and assessments delivered to it by the county tax assessor. If the board finds that any taxpayer has neglected to make a return or has omitted from his return any property that should be returned, it shall be its duty to make up a return upon the proper blank, with a description of the property to be assessed, which property it shall then proceed to value and equalize in the same manner as other property is valued and equalized by it, and to the value thus placed thereon shall be added a penalty of ten per cent for failure of the owner of such property to properly return the same. The secretary of the board shall by registered mail return receipt demanded, or in person give notice to the owner of any property which has been omitted from the tax return and has been assessed as provided by this section.

Section 56. Immediately upon the completion of the work of reviewing and adjusting assessed valuations by the Board of Review, required in this act, the tax assessor shall give notice by publication once a week for three consecutive weeks in a newspaper published in the county, and if no newspaper is published in the county, by posting notices in three public places in each precinct of the county, that the assessed valuations of all property listed for taxation have been fixed as provided by law and that the tax return lists showing thereon such assessed valuations are in his office and open for public inspection, and that the Board of Review will sit at the courthouse of the county, on the first Monday in June to consider such protests as may be filed by any taxpayer as herein provided, and that any taxpayer who is not satisfied with the valuations of his property as fixed and entered on the return list as required herein, may file objections in writing to such assessed valuations with the secretary of said board, on or before the last Monday in May, and the taxpayer shall set out in such objections filed, the description of each item

of property and his reason for making objections to the assessed valuation as placed thereon.

Section 57. For the purpose of hearing objections filed in writing to any assessments or valuations fixed as provided for herein, the Board of Review shall sit at the courthouse in their respective counties on the first Monday in June in each year, from 9 A. M. to 5 P. M., and shall continue as long as may be necessary, provided such sitting shall not be extended beyond the second Monday in July, unless otherwise ordered by the State Tax Commission, to dispose of all cases where objection to valuations or assessments has been filed in writing by any taxpayer, as provided in this act. At such sitting the property owner may appear in person, or by agent or attorney and produce evidence in support of objections if any, to any assessment or valuation theretofore made, and it shall be the duty of the Board of Review to examine under oath any complaining property owner, and to examine any other witnesses under oath as to the fair and reasonable market value of the property of such owner, and if it is found from the evidence that the valuation theretofore placed was not sixty per cent of the reasonable market value of such property, whether more or less, then the said valuation or assessment shall be corrected so that it will show sixty per cent of a fair and reasonable market value and such corrected amount shall constitute the assessed value of such property. But if it is found from the evidence that the assessed value placed on the property was sixty per cent of a fair and reasonable market value thereof, the said value shall stand as the assessed value of said property, unless an appeal is taken therefrom, as provided by this act.

Section 58. When the work of hearing objections against values fixed on taxable property, shall have been completed by the Board of Review, the tax assessor shall enter upon the tax return lists the corrected values, if any changes have been made therein, which changed or altered value shall be the taxable value of the property or properties, unless an appeal is taken as herein provided, or unless otherwise ordered by the State Tax Commission.

Section 59. In cases where objection has been made by any taxpayer, his agent or attorney, as provided herein, to the taxable value fixed by the Board of Review, on any property assessed against such taxpayer, and such objections have been overruled by said board, such taxpayer, his agent or attorney may take an appeal from the action of said board in overruling his objection, to such valuation, to the circuit court of the county in which the taxpayer's property is located; and such taxpayer shall give like bond as provided for herein for tax cases appealed to the circuit court.

Section 60. All appeals from the rulings of the Board of Review fixing values of property shall be taken within thirty days after the final decision of said board fixing the assessed valuation as provided for in this act, and the taxpayer shall give bond with sureties to be approved by the clerk of the court to which the appeal is taken and payable to the State of Alabama, conditioned to pay all costs created by the appeal and abide and perform whatsoever judgment said court may render in the premises. On such appeal either party may demand a trial by jury in the same manner as provided in appeals from justice of the peace courts as in civil cases.

Section 61. The trial upon appeals to the circuit court shall be de novo and the court shall render a judgment ascertaining and fixing the assessable value of property involved. All such appeals shall be set for trial at the first succeeding term of the court after the appeal is taken; provided, however, that no appeal shall suspend the right of the State and counties to collect from the taxpayer the taxes due upon his property as fixed for assessment for the preceding tax year, and the taxpayer shall, when the taxes are due, pay all taxes due at the assessed value of the preceding year. From the judgment of the trial court, either the State or the taxpayer may appeal to the court of appeals, or to the supreme court, as in civil cases, within thirty days from the rendition of the judgment. In the event the judgment of said court shall be rendered after the taxpayer shall have paid taxes based upon the assessed valuation for such preceding year, then the court shall render its judgment, determine and fix the assessed valuation of said property as aforesaid; and the taxpayer shall be adjudged to pay the difference required by such increased assessed valuation, and the judgment shall show this fact. Provided, however, that if the court trying the case shall find that the value of the property is less than the assessed value upon which such taxpayer has paid taxes for the year in question, such fact shall be certified by the clerk of the court to the county tax assessor and tax collector and the taxpayer shall be entitled to be paid back the amount in excess of his taxes actually due, by the tax collector, and the tax collector shall have credit therefor as an error in assessment on his settlement with the State and county authorities.

Section 62. The failure of the tax assessor, Board of Review, or the State Tax Commission, to perform any of the duties of assessing and valuing property, or hearing objections to assessment valuations, at the time prescribed, or to complete such duties within the time specified by this act, shall not invalidate any assessment or any act of such tax assessor, Board of Review or State Tax Commission, made or done after the expiration of

such time. The duty of the tax assessor to inspect and examine real property in his county is directory and failure to do so shall not invalidate assessments and valuations made by the assessor or the Board of Review or the State Tax Commission.

Section 63. Whenever under the provisions of this act any notice, subpoena, or writing is required to be given or served, the same shall be served by any sheriff in this State or his deputy, or by any lawful constable, of this State, except as otherwise provided by this act. The compensation of such officer for serving such notice, subpoena, or writing shall be the same as is now allowed the sheriff for summoning witnesses for the circuit court in civil cases, which shall be paid by the court of county commissioners, or court of like jurisdiction of the county.

Section 64. The circuit and county solicitors, together with any special counsel employed by the State Tax Commission, with the approval of the Governor, shall represent the State and county in all tax cases appealed to the circuit court. The circuit and deputy solicitors are prohibited from representing taxpayers in any controversy between such taxpayer and the State or county.

Section 65. The chairman of the State Tax Commission shall receive a salary of four thousand, (\$4,000) per annum and the associate members of the State Tax Commission shall receive each a salary of four thousand dollars (\$4,000) per annum for the time that he actually holds office, such salaries to be paid out of the State treasury in the same manner as the salaries of other State officials are paid.

Section 66. The State Tax Commission may appoint a secretary at a salary of not more than two thousand, four hundred dollars (\$2,400.00) per annum, which salary shall be paid out of the State treasury in the same manner as the salaries of other State officials are paid. The State Tax Commission may employ such other persons as experts, engineers, stenographers, clerks or assistants as may be necessary for the performance of the duties which may be required of said Commission, and said Commission shall fix the compensation of such other persons, with the approval of the Governor, such compensation to be paid out of the State treasury upon a warrant drawn by the State Auditor on a certificate or voucher of the Commission approved by the Governor. There is hereby appropriated out of the general treasury the sum of one hundred and twenty-five thousand dollars (\$125,000.00) per annum, or so much thereof as is necessary, for the purpose of paying all expenses not otherwise herein provided for, which the State Tax Commission is authorized to incur under this act; provided, however, that the salaries of the members and the secretary of the State Tax Commission shall not be charged against this appropriation.

Section 67. It shall be the duty of the State Tax Commission, and it shall have the power and authority, in addition to the authority now in it vested by law, (a) to have and exercise general and complete supervision and control of the valuation, equalization and assessment of property, privilege, or franchises, and of the collection of all property, privilege, license, excise, or corporation franchise taxes, for the State and counties, and of the enforcement of the tax laws of the State, and of the several county tax assessors, and county tax collectors, probate judges, and each and every State and county official, board or commission charged with any duty in the enforcement of tax laws, to the end that all taxable property in the State shall be assessed and taxes shall be imposed and collected thereon in compliance with the law, and that all assessments on property, privileges, and franchises in the State shall be made in exact proportion to the fair and reasonable market value thereof in substantial compliance with the law. (b) To equalize, value and assess, or cause to be equalized, valued and assessed, any property subject to taxation, and such valuations and assessments it shall enter or cause to be entered in the proper assessment book, or record, or minutes of the proper official, board or tribunal; to set aside all assessments so entered in any assessment book, record or minutes, and, after ten days' notice given the taxpayer which notice shall be given by registered mail, return receipt demanded, of the time and place of hearing, revalue and reassess said property, and cause such revaluation and assessment to be entered in the proper assessment book record or minutes, in lieu of the original valuation and assessment, provided, that no reassessment or revaluation shall be made of any particular assessment from which an appeal is then pending, or if the valuation of the property for that year has been fixed on appeal by the circuit court, the court of appeals or supreme court; provided further that parties may appeal from such revaluation and reassessment to the circuit court within like time and in like manner as from the valuation and assessment as fixed by the Board of Review. (c) To confer with, advise and direct the several county tax assessors, county tax collectors, probate judges, boards or commissions, and each and every State and county official charged with the assessment and collection of taxes, as to their duties under the laws of this State. (d) To direct suits to be instituted by the Attorney General, circuit or deputy solicitors, or attorneys specially employed for such purpose, for the collection of any taxes or penalties due the State or any county, or to compel any officer or taxpayer to comply with the provisions of the tax laws; to direct actions, prosecutions and proceedings to be instituted to enforce the laws of this State relating to taxes, penalties, forfeitures and liabilities, and for the punishment of any

public officers, or any person or any officer or agent of any corporation, company or association, for failure or neglect to comply with the provisions of the tax laws, and to cause complaints, informations, actions or prosecutions to be made or instituted against any tax assessor, tax collector, probate judge, or other public official, for the removal of such officers for official misconduct or neglect of duty. (e) To require circuit or deputy solicitors, and the Attorney General of the State, to commence and prosecute, within the respective jurisdiction or spheres of official duty of said officers, actions, proceedings and prosecutions for penalties, forfeitures, impeachments, and punishments for violations of the tax laws of the State. (f) To require any public official in the State to report information as to valuation, equalization and assessment of property, privileges or franchises, gross receipts, collection of taxes, receipts from licenses and other sources, methods of taxation, values of franchises or intangible property or assets subject to taxation, and such other information as may be needful in the work of the State Tax Commission in such form and upon such blanks as the Commission may prescribe and furnish. (g) To require individuals, partnerships, associations and corporations, and the agents, officers and employees thereof, to furnish information concerning their capital, funded or otherwise, gross receipts, net profits or income, excess profits, current assets and liabilities, values of franchises, value of property, earnings, operating and other expenses, bonds, deeds, conduct of business, and all other facts, records, books, papers, documents and other information of any kind demanded which may be needful, in order to enable the Commission to ascertain the value and relative burden to be borne by every kind of property in this State, and to ascertain the proper amount of license, privilege, excise or corporation franchise taxes. (h) To summon witnesses to appear and give testimony, and to procure records, books, papers, documents, and all other information of any kind or character required relating to any matter which the Commission shall have authority to investigate and determine. The witnesses may be summoned by subpoena issued by any member of the Commission, or by the secretary thereof, in the name of the Commission, directed to any sheriff of Alabama, and returnable to the Commission, which subpoena may be served in like manner as subpoenas issued out of any circuit court; or the subpoenas may be served by registered mail, addressed to the witness with return receipt demanded. In either case the subpoenas must be served at least five days previous to the time named therein for the appearance of the witness. Subpoenas duces tecum to any witness to appear and produce any records, books, papers or other documents, may be issued and served in like manner; provided that no officer of any bank or banking

institution shall be required to disclose to the Commission or any of its agents or clerks the deposits of its customers. (i) To cause the deposition of witnesses residing within or without the State to be taken upon such notice to the interested party, if any, as the Commission may prescribe, in like manner as depositions of witnesses are taken in actions pending in the circuit court, in any matter which the Commission has authority to investigate and determine. The deposition shall be taken upon a commission issued by the State Tax Commission, or the secretary thereof, in the name of the Commission, and returnable to the Commission. (j) To visit in a body or separately or by duly authorized agents, the several counties in the State for the purpose of investigating the works and methods of county tax assessors, or other officers or boards charged with the duty of administering the tax laws of the State; to examine carefully into all cases where evasions or violations of the tax laws are alleged, complained of or discovered, and to ascertain wherein existing laws are defective, or are improperly or negligently administered; and to report the result of the investigation and the facts ascertained to the Governor from time to time when required by him. (k) To investigate the tax system of other states; to thoroughly inform themselves upon the subject of taxation and of the progress made in other states and countries in improving their tax systems; to formulate and recommend such legislation as may be deemed expedient to prevent evasions of existing tax laws, and to secure just and equal taxation and improvements in the system of taxation in this State. (l) To consult and confer with the Governor upon the subject of taxation and the administration of the laws, and progress of the work of the Commission, and to furnish to the Governor from time to time such information as he may require. (m) To transmit to the Governor, thirty days before the meeting of the Legislature, a written report showing all the taxable property in the State and the values of the same, in tabulated form, with recommendations for improvements in the system of taxation in the State, together with suggestions of such measures as the Commission may formulate for the consideration of the Legislature in regard thereto. (n) For good reason shown and entered on the minutes of the Commission, to extend the time for filing any report or written statement required to be filed with the State Tax Commission. (o) To inspect and examine at all reasonable business hours, as a body, separately, or by agents, any books, documents, records or papers kept by any person, firm or corporation. (p) To issue executions, directed to any sheriff of Alabama, on any final assessment or judgment made or rendered by it. (q) To perform such other duties as are or may be imposed on it by law. (r) The majority of the State Tax Commission shall constitute a quorum.

Section 68. Whenever the State Tax Commission has set aside and held for naught any assessment of property, except as otherwise provided herein, it shall give notice by mail, of such action to the tax assessor of the county in which the property involved is located and to the owner of such property, by registered mail, return receipt demanded. As soon as practicable after any property assessment has been set aside by the State Tax Commission, the Commission shall make a revaluation and reassessment of the property and give notice to the property owners of such reassessment and revaluation, and in the same notice set a date for the hearing objections, if any be made, to the valuation so fixed, and the hearing of objections shall be held at the office of the State Tax Commission, in Montgomery, Alabama, or at the court house of the county in which is located, the property involved in the assessment, if demanded by the taxpayer, his agent or attorney, and when such assessment shall have been completed and made final by the Commission it shall notify the tax assessor of each county in which such property so revalued and assessed is situated, of the amount of the assessment in such county, together with a general description of the property as assessed, which the assessor must enter in the book of assessments in addition to the assessments of other real estate and personal property.

Section 69. The secretary of said Commission shall keep full and correct minutes and records of all hearings, transactions, proceedings, and findings of the Commission, and he shall perform such other duties as may be required of him by law or by said Commission from time to time. The Commission shall make all needful rules, not inconsistent with law, for the orderly, efficient and methodical performance of its duties, and for conducting hearings and other proceedings before it. In any case where notice to a taxpayer is necessary of any proceedings by or before the Commission, and such notice is not specifically provided for in this act, the taxpayer shall be given ten days notice thereof.

Section 70. That it shall be the duty of the State Tax Commission to examine such of the tax records of the several counties as will enable it to ascertain whether the tax valuation of the various classes of property as made in the respective counties of the State, is reasonably uniform as between the respective counties, and is in proportion to the fair and reasonable market value of the property assessed. The purpose and intent of this act is to bring about as far as practicable an equalization throughout the State of the value of the various classes of property subject to taxation, so that the proportion of the fair market value of the property as fixed for assessment in one county shall be in due proportion to the value of the same classes of

property in other counties, fixed on the same basis for assessment, and that such classes of property in every county shall bear their proportion of the tax provided by law. If it shall appear to the said State Tax Commission that in any one or more counties of this State, or in any municipality or precinct of any county, the taxable values upon any one or more classes of property are not reasonably uniform with the values fixed upon the same classes of property in other counties, or are not in proportion to the fair and reasonable market value of such property, the State Tax Commission shall investigate and inquire as to the reason therefor, and after making such investigation and comparison, shall have authority to order and direct the Board of Review to readjust and re-equalize the same for the current or succeeding tax year, so that each item of property will bear its just proportion of the taxes as provided for herein. And the State Tax Commission shall thereupon notify the secretary of the Board of Review of the county affected, and the State Auditor, that the county, precinct or municipal valuations upon the classes of property specified in said notice will be readjusted as provided herein, and the State Auditor shall thereupon return to said county its tax abstract and other tax returns for correction accordingly.

Section 71. That upon the giving of such notice by the State Tax Commission of the revaluing and re-assessment ordered to be made of property within said county, it shall be the duty of the secretary of the Board of Review receiving such notice to call without delay a meeting of said Board of Review, and to notify the State Tax Commission of the date on which said board is called to meet, and it shall be the duty of said board to convene on the day named in such notice, and at such meeting the board shall re-value and equalize the class or classes of property within the county, precinct, or municipality, as specified by the State Tax Commission, so as to conform to the findings and orders of the State Tax Commission by so re-valuing and equalizing each item of said classes of property so that such item will bear its just proportion of tax as provided by law. If the Board of Review fails or refuses to make the changes and corrections thus ordered to be made by the State Tax Commission, then the State Tax Commission shall itself, from such information it has, or may obtain revalue and equalize the property involved, and the expense of such re-valuation and equalization shall be paid by the county so affected and by the State in the same proportion that the State tax levy and the county tax levy bears to the total State and county levy for ad valorem taxation. In counties where State Tax Commission makes a re-valuation and equalization of property for assessment, the tax assessor shall receive

commissions only on the basis of the original assessment as made by him.

Section 72. Whenever the work of re-valuing and equalizing any class or classes of property has been completed by order of the State Tax Commission, as provided herein, and the revised valuation has been entered on the tax return list, the Board of Review shall certify under their signatures to the correctness thereof, and shall deliver said tax return list showing such assessment and re-valuation, to the assessor of the county, as their report and the tax assessor shall hold them in his office subject to public inspection. The tax assessor shall then give notice by publication once a week for three consecutive weeks in a newspaper published in the county, if any be published in the county; and if no newspaper is published in the county, by posting notices in at least three public places in the county, that the Board of Review has returned its report and that the same is open to public inspection, and that said board will convene at the courthouse in the county on a day to be named and fixed in said notice, to correct any errors in the valuations. In the event the property of any taxpayer is increased by the Board of Review when revaluing and equalizing assessments as provided in this section, over the assessed value as originally fixed by such board, the taxpayer shall be furnished by registered mail, return receipt demanded, or in person, with a statement showing separately the revised value of his personal property and his real property, and also that such taxpayer may file in writing with the secretary of the Board of Review within ten days from the date of such notice, objections, if any are made, to the revaluation made as herein provided; and that the Board of Review will sit on a day to be named and fixed in such notice, when the complaining taxpayer, his agent or attorney may appear and produce evidence in support of any objection as filed. But failure to give or receive such notice shall not invalidate any assessment, provided, however, that the taxpayer shall have the right at any time before the taxes become delinquent to appear before the Board of Review and have the assessment of his property reopened, if satisfactory proof is made that the taxpayer or his agent did not receive notice of such increase. It shall be the duty of the Board of Review to convene and sit at the courthouse in their respective counties on the day named and fixed in said notices, and remain in session as long as may be necessary for the purpose of hearing objections, if any, that have been filed in writing against said revaluation or equalization so fixed by said board; and at such sitting the complaining property owner may appear in person or by agent or attorney and produce evidence in support of objections to assessment valuations as fixed on his property; and it shall be the duty of the Board of Review

to examine complainant under oath and to examine any other witnesses under oath, as to the fair and reasonable market value of the property of said owner, and if it finds from the evidence the revaluation placed by it on the property was not sixty per cent of the fair and reasonable market value of such property then it shall correct the valuations and enter such corrected value upon the tax return on which said property is listed for taxation, so that such return will show sixty per cent of the fair and reasonable market value, and such corrected amount so entered by the board shall constitute the taxable value of such property; but if the said board shall find from all the evidence that the re-valuations placed by it on the property was sixty per cent of the fair and reasonable market value, then said valuation thus made shall remain and stand as the assessable value for taxation of said property. The revised and corrected property valuation thus made shall be fixed as the legal valuation of the property for the payment of the taxes, and it shall be the duty of the taxpayer to pay his taxes thereon accordingly. In the event the re-valuation and equalization provided herein is made by the State Tax Commission, the State Tax Commission shall certify to the correctness of the revised tax assessments and the newspaper publication shall be made and notices given as when the Board of Review revalues and equalizes property; that the State Tax Commission will sit on the date fixed in the said notices to hear evidence in support of objections, if any, filed in writing with the tax assessor to re-valuations and equalizations made by it; at such sitting the complaining property owner may appear in person or by agent or attorney and produce evidence in support of objections filed by him in writing to any re-valuation of his property. And it shall be the duty of the State Tax Commission to examine any other witnesses under oath, as to the fair and reasonable market value of the property of said owner, and if it finds from the evidence that the readjusted value placed by it on the property was not sixty per cent of the fair and reasonable market value of such property, then it shall correct the valuations and enter such corrected value upon the tax return on which said property is listed, so that such return will show sixty per cent of the fair and reasonable market value and such corrected amount so entered by the State Tax Commission shall constitute the taxable value of such property; but if the State Tax Commission finds from all the evidence that the valuations placed by it on the property was sixty per cent of the reasonable market value, then said valuations thus made shall remain and stand as the assessable value for taxation of said property. From the re-valuation and equalization made as herein provided, the taxpayer may appeal to the circuit court.

Section 73. Any person may be required to appear as a wit-

ness before the State Tax Commission and testify to any matter which the State Tax Commission is authorized by law to investigate, and in the event the State Tax Commission or its designated agent is refused access at the place where same are kept, to any records, books, papers or other documents relating to any matter which the State Tax Commission shall have authority to investigate or determine, then such records, books, papers or documents shall be produced before the Commission at the courthouse of the county in Alabama in which is located the main office or principal place of business of the person, firm or corporation involved in the investigation being made by the State Tax Commission.

In case any witness who has been summoned to testify before the State Tax Commission shall fail or refuse to testify to or make answer to any material question relating to any matter under investigation or consideration of the Commission, or to produce any records, books, papers or other documents in his custody or control when required to do so, as herein provided, any circuit court or court of like jurisdiction or any judge thereof, upon application of any member of the Commission, shall issue an attachment for such witness and compel him to comply with the summons and to attend before the Commission and produce such books, documents, papers or records and give testimony upon such matters about which he may be lawfully interrogated; and the court or judge thereof may punish such witness for contempt as in the case of disobedience for a like subpoena issued from such court for the refusal to testify in any cases pending therein. Any person who willfully refuses to appear or furnish the information required of him shall be guilty of a misdemeanor.

Section 74. It shall be the duty of the State Tax Commission to assess for taxation all property of all railroad companies, street and suburban railroads, or sleeping car companies, persons or companies operating railroad or street railroads, or suburban railroads or sleeping cars in the State; all express companies, including railroad companies, doing an express business, and all telephone and long distance telephone, and all telegraph companies, person or persons doing an express, telephone or telegraph business; all gas, water, electric light or power, hydro-electric power companies, steam heat, refrigerated air, dockage or crantage, toll road, toll ferries, toll bridges, railroad equipment or navigation companies, and the property of all other public service or public utility corporations, and all property not required by law to be listed for taxation with the county tax assessor; and the owner, the president, general manager, or agent having control of the company's affairs in this State shall make returns of all property of said company located in this State to

the State Tax Commission. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000 as provided by law, such company shall not be assessed for taxation under this section.

Section 75. Whenever the State Tax Commission shall have completed the assessment of the property of any person, firm or corporation required by law to be assessed by such Commission, it shall give notice in writing by registered mail to the owner, officer, agent or attorney making such return, or if no return has been made, then such notice to be addressed by registered mail to the party against whom the assessment has been made, giving notice that the assessment of the property has been completed, the date of the final assessment, and the total amount of such assessment.

Section 76. In addition to the persons and property subject to assessment by the State Tax Commission, as provided herein, the State Tax Commission shall also assess for taxation against the owner thereof all rolling stock operated or used over railway lines in this State, when such owner is not the railway company operating or using such stock. The term "rolling stock" shall be held to mean and include all sleeping cars, dining cars, box, coal, ore, fruit, tank, gondola, furniture, automobile or refrigerator cars, or any other cars whatever named, operated or used over any railway lines in this State, if said cars are not otherwise listed for taxation in Alabama. Such assessment so made against each owner of said cars shall be based on the reasonable market value of the average number of cars so operated or used over railway lines in Alabama during the preceding twelve months. The ascertainment of the average number of said cars and their reasonable market value shall be made under such fair and reasonable rules and regulations as may be prescribed by the State Tax Commission. Each owner, or the president, secretary, treasurer, superintendent, or other agent thereof, shall annually before the first Monday in March make and file with the State Tax Commission a statement under oath, on the form prescribed by the State Tax Commission, showing (a) the total number of its cars operated on each railway line in Alabama during the preceding twelve months; (b) the total mileage covered by such cars in Alabama during the preceding twelve months; (c) the total receipts for the operation or use of said cars in Alabama during the preceding twelve months; (d) the separate mileage covered by such cars over each separate railway line in Alabama, and the separate receipts from each separate railway line in Alabama for the preceding twelve months; (e) the reasonable market value of each car operated or used on railway lines in Alabama during the preceding twelve months; (f) the average number of cars operated or used on railway lines in

Alabama during the preceding twelve months and the reasonable market value of each car; and such other information as may be required by the State Tax Commission; (g) each railway company in Alabama shall also annually before the first Monday in March make and file with the State Tax Commission, under oath of some executive officer of the railway company, and on such form as may be prescribed by the State Tax Commission, a statement containing, as to all its railway lines in Alabama, all the detail data required of the owner of the rolling stock described in this section. From the reports filed with it by the owner of such rolling stock and by the several railway companies in Alabama, and from such other information as may be obtained by it, the State Tax Commission shall before the first Monday in June of each year, or as soon thereafter as practicable, assess to each owner of said rolling stock sixty per cent of the reasonable market value of the average number of cars of said owner operated or used in railway lines in Alabama during the preceding twelve months. Whenever the State Tax Commission shall have completed the assessment of the rolling stock required by this section, it shall give notice in writing by registered mail of such assessment, showing the number of cars assessed, the taxable value fixed and the amount of taxes due the State on such assessment.

Section 77. There shall be subject to taxation in this State the franchises, or intangible property and assets of each and every corporation, whether organized under the laws of this State, or of any other state or government, and of each and every individual, association or partnership or company engaged as common carrier, wholly or partly in this State, in the business of transporting freight of any description or passengers, or both, over any railroad, including street railroads, or of operating any cars of any kind over any railroads for the transportation of passengers or of property of any kind for others, or for the public, including sleeping cars, parlor or palace cars, chair cars, equipment cars of any kind, or engaged in the business of maintaining or operating for gain any telegraph or telephone lines, plant or business, or any plant or business for the production, manufacture, distribution or sale of gas, electricity, electric light, electric power, water, steam heat, and refrigerated air or other similar substance, by means of wires, pipes or conduits constructed, operated or maintained on, over, under or through any territory or any street, alley, or highway in this State, or in the business of operating for gain any dockage, wharfage, canal, freight or passenger depots, station or terminals, toll bridges and toll ferries; or engaged in any other business which may be dependent upon the grant of public powers or privileges, or which may involve the operation of any public utility; and of each and every indi-

vidual, association, partnership, company or corporation which has and exercises, under authority granted by charter, statute, or other provision of law, whether of this State, or any political subdivision thereof, or of any other state or government, any special or exclusive privilege, franchise or function, which is or may be dependent upon the grant of public power or privilege, or which involves the operation of any public utility. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000 as provided by law, such company shall not be assessed for taxation under this section.

Section 78. Between the first day of January and the first day of March in each year, every company, corporation, association and individual embraced within the provisions of section 74 of this act, or coming otherwise within its scope and intent, shall make out and deliver to the State Tax Commission of Alabama a statement containing the information hereinafter prescribed, which statement shall be duly verified by the affidavit of one of the officers of the company, corporation, or association, or by the individual in whose behalf it is made.

Section 79. Each such statement shall show the following items and particulars as the same stood on the next preceding first day of October, together with any other facts or information that may be called for by said State Tax Commission. 1. The name and principal place of business of the company, corporation, association, or individual in whose behalf the statement is made, and the character of the business engaged in. 2. If a company, association, or corporation, the state or government under the laws of which it was incorporated, or authorized to do business, the date of original organization, the date of re-organization, consolidation or merger, and the purpose of its incorporation as expressed in its charter or articles of association. 3. The place where all books, papers and accounts are kept, and the names and postoffice addresses of the president, secretary, treasurer, superintendent, general manager, general counsel, directors, and all other general officers thereof. 4. The locality of its principal office, the total amount and any kind of business done by it in this State, and the total gross receipts derived from its business in this State, including a due proportion of its interstate business, if it has done any business of that character. 5. Its total authorized capital stock and the number of shares of stock issued and outstanding, and the par or face value of each such share. 6. The market value of said shares of stock; if they have no market value, then the statement must show the actual value thereof, and the highest price at which any share has sold during the next preceding twelve months. 7. A brief statement of each item of real estate and of the improvements thereon, and all the buildings, structures, machinery, fixtures and appliances,

and all other tangible property and assets owned and assessed, or liable to assessment for the same year, within this State, and the location and assessed value thereof, and the county, city or town wherein the same is assessed for taxation for State, county and municipal purposes, or is liable to assessment. 8. A brief description of each tract of land and of the improvements thereon, and of the buildings, structures, machinery, fixtures and appliances, and all other tangible property and assets having a fixed situs outside of the State and the location of each item of such property, and the purpose for which it is used, and whether or not it is specifically used in the business of the company, corporation, or association, or individual in whose behalf the report is made, and its true and fair market value, and the sum of the value at which it is assessed for taxation, and the locality in which it is assessed. 9. A statement of each and every lien, mortgage and other charge upon the whole or any part of the property of said company, corporation or association, or individual, and a detailed statement of all series of bonds, debentures and other securities forming a part of its funded debt, with date and issue, maturity and rate of interest, together with a statement of the property encumbered or charged thereby, and of the total amount of unpaid debts secured by each mortgage, lien or charge, and of the interest charged thereon, and to what extent interest has been paid, and the true and fair market value of every such debt. 10. A statement of the gross income and earnings for the preceding fiscal year of the person, firm, corporation, or association, including therein all interest on investments and all rents, profits, revenues and receipts from every source whatsoever, and a statement of the income used for repairs, and of the amount used for betterment, and the amount used for extension. 11. Every railroad company and telegraph company, and every telephone company and every pipe line company, shall show in each statement made by it the following particulars, which are in addition to the foregoing requirements, to-wit: (a) The total length of all lines of said company, whether within or outside the State, and (b) the total length of so much of said lines as are within this State, and (c) the length of its lines in each of the counties and cities and towns of this State into or through which its lines extend. The length of the lines of the telegraph and telephone companies shall be estimated and stated according to its mileage of poles, conduits, or cables, or either. 12. Every sleeping car company, parlor or palace car company, dining car company, chair car company, equipment company and company operating cars of any kind and every other kind over any railroad, shall also in addition to the said foregoing requirements, show by each of its statements (a) the total mileage traveled by the cars of said

company during the next preceding twelve months, whether within this State or beyond its borders, and (b) the total mileage traveled by such cars within the State during the same period. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000 as provided by law, such company shall not be assessed for taxation under this section.

Section 80. Within twenty days after making the valuation of any such franchises or intangible property, the State Tax Commission shall give notice in writing by registered mail, addressed to, or by personal service on any officer, superintendent, cashier or manager or the owner of said franchises or intangible properties, stating the valuation fixed by it and that on a day specified, it will meet and determine any complaint against said valuation which notice must be served at least ten days before the day fixed for the hearing.

Section 81. Whenever and wherever a notice is required by law to be given by the State Tax Commission, the Board of Review, the tax assessor, or the collector, relating to the assessment and collection of taxes, and the method of giving such notice is not prescribed, then such notice shall be given by registered mail, return receipt demanded, addressed to the last known address of the taxpayer.

Section 82. It shall be the duty of the courts of county commissioners or boards of revenue of the several counties in this State to supply the tax assessor, tax collector and Board of Review, with all necessary books, stationery and printed blanks for the proper conduct of their several offices, and failing to do so, the assessors and collectors and Board of Review may purchase books, stationery and printed blanks in behalf of the county, and the cost thereof shall be preferred claim against the county.

Section 83. That the net proceeds of the excise tax on gasoline or other liquid motor fuels in this State prescribed by an act of the Legislature of Alabama, entitled, An Act "imposing an excise tax on persons, corporations, co-partnerships, companies or associations engaged in the business of selling, or distributing gasoline, or other liquid motor fuels in this State, providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act" approved February 10th, 1923, after payment of all costs and expense of administration and collection which amount shall not exceed twelve thousand dollars per annum, shall from and after the first day of October, 1923, next after the passage of this act be divided and distributed equally among the sixty-seven counties of this State to be collected and paid to each of the several counties as provided by the provisions of that act. Provided that all the funds

derived by the several counties from said tax shall be expended exclusively for maintenance and repair of roads, highways and bridges in said counties. The use or expenditure of any of said funds in any other manner or for any other purpose than as provided herein, by the governing body of any county or any individual member of said body shall constitute a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, and by imprisonment in the county jail or at hard labor for the county for not less than one nor more than twelve months. The Chief Examiner of Public Accounts is hereby specially charged with the duty of examining into and determining each year whether or not said funds have been used or expended as herein provided. Whenever said Examiner of Public Accounts discovers a violation of any provision of this section he shall forthwith report same to the Attorney General whose duty it shall be to direct the prosecution of said offense.

Section 84. In all counties where county officials are paid on a salary instead of a fee basis, all fees allowed under the terms of this act to be paid to or collected by county officials, shall, by said officials be paid into the county treasury, or to such official performing the duties of county treasurer, except as provided in amendment to section 197 of General Acts, 1919, approved November 1st, 1921.

Section 85. Wherever the terms "county commissioners," "court of county commissioners" or "boards of revenue" are used in this act they shall be meant to include "boards of road and revenue commissioners."

Section 86. All proceedings for the assessment or collection of any taxes now pending before any board or officer whose authority, power or jurisdiction is terminated by this act, shall be and is immediately transferred from such officer, court or board, to the officer, court or board having authority and jurisdiction under this act, and shall be prosecuted and proceeded with as if originally commenced by or before such board or officer.

Section 86A. That the term of office of all county tax assessors and all county tax collectors be and is hereby extended for a period of two years from the expiration of their present term of office; the incumbent to hold office until his successor is elected and qualified.

Section 86B. There shall be elected at the general election in November, 1926, a tax assessor and a tax collector for each county in the State who shall perform such duties as are prescribed by this act, or as may now or hereafter, be provided by law, and whose term of office shall be four years beginning October 1st, 1927.

Section 87. The State Tax Commission shall have compiled, properly indexed and printed in pamphlet form, two thousand

copies of this act, together with all other laws relating to the revenue of the State, and relating to the assessment of the State and county ad valorem, franchise, license and privilege taxes, and relating to the duties of the several State and county officials in the assessment and collection of such taxes. The cost of compiling, indexing and printing shall not exceed one thousand dollars, which amount, or as much thereof as may be necessary, is hereby appropriated for this purpose and the State Auditor shall issue a warrant for the same upon a certificate of the chairman of the State Tax Commission.

Section 88. That sections one, two, six, seven, eight, nine, twelve, seventeen, eighteen, nineteen, nineteen and one-half, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-five and one-half, twenty-six, twenty-seven, twenty-eight, thirty-two, thirty-three, thirty-four, forty-four, forty-seven, forty-nine, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-one, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, one hundred seven, one hundred eight, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-eight, one hundred thirty-nine, one hundred forty-four, one hundred forty-five, one hundred forty-six, one hundred forty-eight, one hundred fifty-one, one hundred fifty-three, one hundred fifty-seven, one hundred sixty-three, one hundred sixty-seven, one hundred sixty-eight, one hundred seventy, one hundred seventy-one, one hundred eighty, one hundred ninety-one, three hundred nine, three hundred ninety-five, four hundred thirteen of an act entitled "An Act to provide for the general revenue of the State of Alabama, approved September 15th, 1919, be and the same are hereby specifically repealed.

Section 89. If any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision or portion of this act which is not in and of itself unconstitutional.

Section 90. Except as otherwise provided in this act, all the provisions of this act shall go into effect on the first day of October, 1923.

Section 91. All laws in conflict with the provisions of this act are hereby repealed, provided that all provisions of existing

laws relating to taxation and revenue which are not in conflict with the provisions of this act and which are not herein expressly repealed, are not hereby repealed.

Approved August 22, 1923.

No. 174.)

(H. 365. Fite.

AN ACT

To authorize and empower the circuit solicitor in all counties in the State of Alabama having five or more circuit judges, or which counties may hereafter have five or more circuit judges, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and all assistants or assistance necessary to properly administer justice in such counties and fix their compensation and manner of payment of the same, and to incur all necessary expenses to properly administer justice in such counties, and where there is a division of the circuit court held at some place in such county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there is elected from that portion of the county other than the county site a deputy circuit solicitor, to authorize such deputy circuit solicitor to employ or appoint one officer, who shall be under the supervision and control of said deputy circuit solicitor, and to fix the compensation of such officer and the manner of paying the same.

Be it enacted by the Legislature of Alabama:

Section 1. That the circuit solicitor of all counties having five or more circuit judges, or which may hereafter have five or more circuit judges, shall have the power and is hereby given the authority to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and fix the compensation of such reporter, stenographer or stenographers, or other assistants, and such compensation shall be payable out of the general fund of said county upon warrants drawn upon the treasurer by the circuit solicitor in favor of such reporter, stenographer, stenographers, or other assistants, as hereinafter provided.

Section 2. That the circuit solicitor shall have the power and he is hereby given the authority to employ any assistants or assistance and to incur any expense he may deem necessary to properly administer justice, and such expense shall be paid out of the solicitor's fund of such county, provided there is a sufficient amount in said fund to pay said compensation or expenses at the time the same is due under the provisions of this Act; provided further, if there is not sufficient amount in said solicitor's

fund to pay such compensation or expenses at said time, the treasurer is hereby authorized and required to pay said amounts out of the general fund of said county, when authorized by the board of revenue, on the warrant drawn by the circuit solicitor, provided that the amount so expended or drawn out of the general fund of said county shall not exceed the sum of seven thousand, five hundred dollars in any one year.

Section 3. That where there is a division of such circuit court which is held at a place other than the county site in such counties having five or more circuit judges or which counties may hereafter have five or more circuit judges, and where the cases arising in the remaining portion of the county are tried at the county site, and where there is elected from that portion of the county other than the county site a deputy circuit solicitor, he, the said deputy circuit solicitor, shall have the power and is hereby given the authority to employ one officer who shall have during his term of office the same power and authority as a deputy sheriff, and who shall be appointed by such deputy circuit solicitor and shall hold office at the will and pleasure of such deputy circuit solicitor. Such officer shall be under the supervision, direction and control of said deputy circuit solicitor and shall be paid a salary, to be fixed by said deputy circuit solicitor, not to exceed \$2,400.00 per annum and payable monthly out of the general fund of said county on the warrant of said deputy circuit solicitor in favor of said officer.

Section 4. That if any paragraph, section, clause or provision of this Act shall be declared or held to be invalid or unconstitutional, the same shall not affect or render invalid any other paragraph, section, clause or provision which is not within itself unconstitutional or invalid.

Section 5. That this Act shall become effective upon its passage.

Approved August 22, 1923.

No. 175.)

(H. 359. Fite.

AN ACT

To amend an Act entitled "An Act to provide for the appointment of deputy circuit solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to provide for the appointment of deputy circuit solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919, be amended so as to read as follows: Section 1. That, in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges, the solicitors may appoint six deputy circuit solicitors, whose duty it shall be to prosecute in the circuit court of said circuit, who shall be paid the following salaries in the following manner: That the first and second deputy circuit solicitors' salaries shall be forty-five hundred dollars per annum each, payable in equal monthly installments; that the salary of the third deputy circuit solicitor shall be four thousand dollars per annum, payable in equal monthly installments; that the salary of the fourth deputy circuit solicitor shall be thirty-six hundred dollars per annum, payable in equal monthly installments; that the salary of the fifth and sixth deputy circuit solicitors shall be three thousand dollars per annum each, payable in equal monthly installments. Twenty-four hundred dollars of the salary of the first deputy circuit solicitor, and eighteen hundred dollars of the salary of the second deputy circuit solicitor, and eighteen hundred dollars of the salary of the third deputy circuit solicitor, shall be paid by the State, and the remainder of the salaries of the said first, second and third deputy circuit solicitors shall be paid by the county, out of the general fund, on warrants signed by the solicitor. The salaries of the fourth, fifth and sixth deputy circuit solicitors shall be paid by the county, out of the general fund, on warrants signed by the solicitor.

Section 2. That nothing in this Act shall be construed so as to alter, change or repeal any local or general law providing for and regulating the election or appointment of and compensation of a deputy circuit solicitor of any branch or division of a circuit court in this State which is held at any place other than the county site and whose jurisdiction is confined to the territory wherein such other division of a circuit court is held other than at the county site; nor shall this Act be construed so as to prevent said deputy circuit solicitor appointing any deputy or assistant, now authorized or which may hereafter be authorized by any local or general law, to assist said deputy circuit solicitor in the prosecution of any cases in such division of a circuit court held other than at the county site or any other court or courts held in said territory over which said division of the circuit court has jurisdiction.

Section 3. That this Act shall take effect immediately upon its approval by the Governor, and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved August 22, 1923.

No. 176.)

(H. 360—Fite.

AN ACT.

"To regulate the Duties and Compensation of Official Stenographers in all Counties in this State having more than 200,000 Population According to the Last or any Succeeding Federal Census."

Be it enacted by the Legislature of Alabama:

Section 1. That in all Counties in this State having more than 200,000 population according to the last or any succeeding Federal Census, the official stenographer in such counties shall not charge for the attendance of himself or assistant upon court and taking shorthand notes, exceeding \$10.00 per day, nor shall he charge for transcribing into longhand exceeding 15c for each hundred words; provided, however, that such stenographer shall not be required to perform any work or duty under this Act unless the party requiring his services shall first pay the fees hereinabove allowed to be charged, or shall give security for the payment thereof, to be approved by the official stenographer or by the Clerk of the Court in which his services are to be rendered.

Section 2. This Act shall take effect upon its approval by the Governor. All laws and parts of laws, local, general and special, in conflict herewith are hereby repealed.

Approved August 22, 1923.

No. 177.)

(H. 358. Fite.

AN ACT

To amend sections 3, 6 and 7 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That section 3 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe

their duties and authority, and fix their compensation," approved September 25, 1915, which said section 3 of said Act is as follows: "Sec. 3. Every solicitor elected under the provisions of this Act shall perform all such duties and exercise all such powers as may be prescribed by law and receive an annual salary of two thousand four hundred dollars (\$2,400.00), payable monthly out of the State treasury; provided that in circuits that are composed of only one county and in which there are more than three judges the salary of the circuit solicitor shall be forty-five hundred (\$4,500.00) per annum, twenty-four hundred dollars (\$2,400.00) of which shall be paid out of the State treasury as other circuit solicitors are paid, and the remainder shall be paid out of the county treasury of such county in equal monthly installments on the warrant of such solicitor," be amended so as to read as follows: Section 3. Every solicitor elected under the provisions of this Act shall perform such duties and exercise all such powers as may be prescribed by law and receive an annual salary of twenty-four hundred dollars, payable monthly out of the State treasury; provided that in circuits that are composed of only one county and in which there are more than three judges the salary of the circuit solicitor shall be forty-five hundred dollars per annum, twenty-four hundred dollars of which shall be paid out of the State treasury as other circuit solicitors are paid, and the remainder shall be paid out of the county treasury of such county in equal monthly installments on the warrants of such solicitors; provided further that in circuits that are composed of only one county having more than two hundred thousand population according to the last or any succeeding Federal census, and in which there are more than five circuit judges, the salary of the circuit solicitor shall be six thousand dollars per annum, twenty-four hundred dollars of which shall be paid out of the State treasury as other circuit solicitors are paid, and the remainder shall be paid out of the county treasury of such county in equal monthly installments on the warrants of such solicitors.

Section 2. That section 6 of said Act, which said section 6 of said Act is as follows: "Sec. 6. In counties which alone constitute a circuit and which have less than forty-five thousand population according to the last or any subsequent Federal census in which there is only one judge, there shall be no deputy solicitor, but the circuit solicitor shall himself perform all the duties of circuit and county solicitor in such counties. In circuits composed of only one county and having two and not more than three judges the circuit solicitor shall receive an annual salary of \$3,600.00, \$2,400.00 of which shall be paid by the State, and the remaining \$1,200.00 shall be paid by the county in monthly

installments upon the certificate of the president of the board of revenue, and the deputy solicitor shall receive an annual salary of \$1,800.00 per annum, \$1,200.00 of which shall be paid by the State, and the remaining \$600.00 shall be paid by the county on certificate of the president of the board of revenue. In circuits having more than three judges the circuit solicitor may appoint not exceeding three deputy solicitors who shall be paid the following salaries: for the first deputy \$3,600.00 per annum, and for the other two \$2,400.00 per annum each; \$2,400.00 annually of the salary of the first deputy, and \$1,800.00 annually of the salary of each of the other deputies to be paid out of the State treasury as salaries of the circuit solicitors are paid, and \$1,200.00 annually of the salary of the first deputy and \$600.00 annually of the salary of the other deputies to be paid out of the treasury of the county in monthly installments on warrants drawn on the treasurer by the circuit solicitor in favor of said deputies. In circuits composed of one county having three circuit judges, the board of revenue or court of county commissioners of each of said counties of the State shall supplement out of the revenue of such county the salary of the solicitor of such circuit so as to make the total annual salary of such circuit solicitor \$4,500.00 per annum to be paid monthly in equal installments, the idea and intention hereof being to empower and direct such board of revenue or court of county commissioners to pay out of the funds of the county in the same manner as the salaries of county officers or employees are paid to the solicitor for such circuit an amount necessary, when added to the salary paid said solicitor by the State, as herein provided for, to equal a salary of \$4,500.00 per annum. The treasurer of such county is hereby directed to honor and pay to the solicitor such amount as herein provided for. The amount herein supplemented shall be paid monthly in equal installments. Nothing in this Act shall be construed so as to alter, change, or repeal any local law providing for an assistant solicitor in any county composing a judicial circuit with three circuit judges. In any county composing a judicial circuit with three circuit judges, where there is now an assistant solicitor, the local Act creating such position as assistant solicitor is not repealed or altered by this Act, but such Act shall continue in full force and effect, and the provisions of this Act relating to assistant solicitors or deputy solicitors shall not relate to or affect any county comprising one judicial circuit with three circuit judges; provided, however, that \$1,200.00 of the annual salary of such assistant solicitor as provided for in the local Act creating the office shall be paid by the State, and the remainder of the salary of such assistant solicitor shall be paid by the county," be amended so as to read as follows: Section 6. In counties which alone constitute a circuit and which

have less than forty-five thousand population according to the last or any subsequent Federal census in which there is only one judge, there shall be no deputy circuit solicitor, but the circuit solicitor shall himself perform all the duties of circuit and county solicitor in such counties. In circuits composed of only one county and having two and not more than three judges, the circuit solicitor shall receive an annual salary of thirty-six hundred dollars, twenty-four hundred dollars of which shall be paid by the State and the remaining twelve hundred dollars of which shall be paid by the county in equal monthly installments upon the certificate of the president of the board of revenue, and the deputy solicitor shall receive an annual salary of eighteen hundred dollars per annum, twelve hundred dollars of which shall be paid by the State, and the remaining six hundred dollars shall be paid by the county on certificate of the president of the board of revenue. In circuits having more than three judges the circuit solicitor may appoint not exceeding three deputy solicitors, who shall be paid the following salaries: For the first deputy, thirty-six hundred dollars per annum, and for the other two twenty-four hundred dollars per annum each; twenty-four hundred dollars annually of the salary of the first deputy and eighteen hundred dollars annually of the salary of each of the other deputies to be paid out of the State treasury as the salaries of circuit solicitors are paid, and twelve hundred dollars annually of the salary of the first deputy and six hundred dollars annually of the salary of the other deputies to be paid out of the treasury of the county in monthly installments on warrants drawn on the treasurer by the circuit solicitor in favor of said deputies. In circuits composed of one county having three circuit judges, the board of revenue or court of county commissioners of each of said counties of the State shall supplement out of the revenue of such county the salary of the solicitor of such circuit so as to make the total annual salary of such circuit solicitor forty-five hundred dollars per annum, to be paid monthly in equal installments; provided that in circuits composed of one county having more than five circuit judges, and having more than two hundred thousand population according to the last or any subsequent Federal census, the board of revenue or court of county commissioners of each of said counties of the State shall supplement out of the revenue of such county the salary of the solicitor of such circuit so as to make the total annual salary of such circuit solicitor six thousand dollars per annum, to be paid monthly in equal installments, the idea and intention hereof being to empower and direct such board of revenue or court of county commissioners to pay out of the funds of the county in the same manner as the salaries of county officers or employees are paid to the solicitor for such circuit an amount necessary,

when added to the salary paid said solicitor by the State, as herein provided for, to equal the salary of forty-five hundred dollars or six thousand dollars per annum, respectively, as herein provided. The treasurer of such county is hereby directed to honor and pay to the solicitor such amounts as herein provided for. The amount herein supplemented shall be paid monthly in equal installments. Nothing in this Act shall be construed so as to alter, change, or repeal any local law providing for an assistant solicitor in any county composing a judicial circuit with three circuit judges. In any county composing a judicial circuit with three circuit judges where there is now an assistant solicitor, the local Act creating such position as assistant solicitor is not repealed or altered by this Act, but such Act shall continue in full force and effect, and the provisions of this Act relating to assistant solicitors or deputy solicitors shall not relate to or affect any county comprising one judicial circuit with three circuit judges; provided, however, that twelve hundred dollars of the annual salary of such assistant solicitor as provided for in the local Act creating the office shall be paid by the State, and the remainder of the salary of such assistant solicitor shall be paid by the county.

Section 3. That section 7 of said Act, which said section 7 of said Act is as follows: "Sec. 7. For every conviction of a misdemeanor in the county courts or inferior courts there shall be taxed and collected as a part of the costs and paid into the county treasury the same solicitors' fees provided for convictions in such cases in the circuit court; and on appeal to the circuit court, the same shall be taxed as a part of the costs in addition to the solicitors' fee taxed for such conviction in the circuit court, and this solicitors' fee previously taxed in the county court or inferior court, shall be paid when collected into the county treasury," be amended so as to read as follows: Section 7. For every conviction of a misdemeanor in the county courts or inferior courts there shall be taxed and collected as a part of the costs and paid into the county treasury the same solicitor's fees provided for convictions in such cases in the circuit court, and said fees shall be placed in the solicitor's fund of such county by the treasurer of said county; and on appeal to the circuit court the same shall be taxed as a part of the costs in addition to the solicitor's fee taxed for such conviction in the circuit court, and this solicitor's fee previously taxed in the county court or inferior court shall be paid, when collected, into the county treasury and placed in the solicitor's fund of such county by the treasurer of said county.

Section 4. That nothing in this Act shall be construed so as to alter, change or repeal any local or general law providing for

and regulating the appointment of and compensation of a deputy circuit solicitor of any branch or division of a circuit court in this State which is held at any place other than the county site and whose jurisdiction is confined to the territory wherein such other division of a circuit court is held other than at the county site.

Section 5. That if any section, clause or provision of this Act shall be declared to be unconstitutional, it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Section 6. This Act shall take effect upon its approval by the Governor, and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved August 22, 1923.

No. 181.)

(H. 472—Tunstall.

AN ACT.

To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this Act.

Be it enacted by the Legislature of Alabama as follows:

Section 1. Each emigrant agent or labor agent, or each person operating as such within the meaning of this Act or who shall engage in or undertake to engage in the business as provided in this Act, shall pay annually a State and County license tax of Five Thousand Dollars, in each county in which such person or agent engages in business or operates, or undertakes to do business or operate as in this Act set forth or within the meaning thereof; and also such license shall be paid in every county through which said laborers are transported or pass regardless of the mode of transportation, provided such agent or his representative or person placed in charge of such laborers by him, shall travel on the same train or conveyance on which any laborer recruited or engaged by such agent is transported. Three-fifths of each such license shall be paid to the State and two-fifths of each such license shall be paid to the county. (Such licenses shall be paid at the time, place and in the manner provided by statute for the payment of other occupational licenses and shall be in lieu of other state and county licenses prescribed to be paid by Emigrant or Labor Agents; provided, however, that this Act shall go into effect upon the approval of this Act

and all such licenses theretofore issued shall and are hereby specifically cancelled and revoked, and the payment of any such license tax now in force or the holding of such license shall not excuse any person from the penalties for failure to comply with the provisions of this Act or the payment of the license herein provided to be paid. Provided further that the holders of any such licenses so revoked and cancelled hereby shall be entitled to a refund of the license money so paid by them in proportion to the part remaining at the time of the approval of this Act, of the Tax year within which said license was issued to run but no more. Said refund to be made as and in the manner now provided by law for the refund of taxes or licenses paid in error.) Licenses taken out after the beginning of the Tax year shall be for the full amount specified above and no deduction shall be allowed for the part of the tax year already run.

Section (2). Each person who shall engage in the business of hiring or soliciting or who shall undertake to hire or solicit, or recruit or gather laborers to go or to be employed without the State of Alabama, or in furnishing, arranging for or providing transportation for laborers to go beyond the limits of the State of Alabama, or any person who shall solicit by word of mouth or who shall advertise for such laborers, by publication, circulars, handbills, cards, letters, telegrams, posters or otherwise, whether the same be posted or distributed by hand, mail or other means, shall be, and shall be deemed, an Emigrant Agent of Labor Agent within the meaning of this Act, and the doing of any one or more of the acts or things set forth above, or the causing of the same to be done, as well as acting as agent; intermediary or messenger (or services to that end) for another in procuring, transmitting or delivering any ticket or pass for transportation or the money for transportation, to points without the State of Alabama, to any laborer or workman, or another for transmission or delivery to any laborer, whether for a reward or gratuitously, shall constitute doing business or engaging in business within the meaning of this Act; and the sending or causing to be sent advertising matter, cards, handbills and the like into any county, or the posting of letters of solicitation as set forth above, to be delivered in any county, shall constitute doing business or engaging in business in such county so as to make such agent liable for the payment of the license herein provided in each of such counties such circulars, cards, advertisements, letters and the like may be distributed or delivered.

Section (2½). Any person, firm or corporation who shall receive and print, publish or distribute, or circulate any advertisement, or the like, either for him or itself or for another, seeking or for the purpose or design, to induce any laborer or laborers, to go without the State of Alabama, or to recruit such

labor to be employed without the State of Alabama, shall be, and shall be deemed an emigrant agent or labor agent within the meaning of this Act; and the printing or publication or distribution or circulation of any such advertisement, or any one or more of them, shall constitute doing business within the meaning of this Act, and shall subject such person, firm or corporation to the payment of the license herein provided and to the penalties herein provided for failure to do so.

Section (3). Each and all assistants, sub-agents, partners, associates, or employes of any such person or Emigrant Agent or Labor Agent, within the meaning of this Act, shall be subject to the license hereby levied and liable for the payment thereof, whether such license shall be paid by his or their employer, principal partner, associate or not; and he or they shall be subject to the provisions of the Act in any event. And every person, (whether he be acting individually or as an officer, agent or employee of any corporation, firm or individual, engaged in the transmitting messages, money, or operating a messenger service) who shall act as agent, intermediary or messenger (or services to that end) for another in procuring, transmitting or delivering any ticket or pass for transportation or the money for transportation, to points without the State of Alabama, to any laborer or workman, or another for transmission or delivery to any laborer, shall be subject to the provisions of this Act and liable for the payment of license hereby levied and for the penalties herein provided for the failure to comply with the provisions of this Act, the same as if he were acting as sub-agent, associate, partner or employee of a labor agent or an emigrant agent as herein defined. But a common carrier engaged in interstate commerce shall not by reason of the mere fact alone of its having transported passengers or its own workmen or employes to points without the state, be deemed to be an Emigrant or Labor agent under this Act.

Section (4). Any person who shall engage in the business or undertake to engage in the business of an Emigrant Agent or Labor Agent as defined in this Act, or shall do any of the acts or things constituting doing business or engaging in the business of Emigrant Agent or Labor Agent as defined in or within the meaning of this Act or who knowingly assists another in so doing, without having first obtained a license as herein provided, or without having first given bond as provided in this Act or without having first complied with the further provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars and not more than Five Thousand Dollars, or may be imprisoned in the county jail or sentenced to hard labor for the county for not less than four months nor more than one year, within the discretion of the Court. Any person who shall engage

in the business or undertake to engage in the business of Emigrant Agent or Labor Agent as set forth above even though he has taken out a license as herein provided, who engages any assistants, sub-agents, partners, or employes who have not been licensed according to law or as herein provided, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Hundred Dollars and not more than Five Thousand Dollars, or may be imprisoned in the county jail or sentenced to hard labor for the county for not less than four months nor more than one year, within the discretion of the court. And for the purpose of better insuring the enforcement of the provisions of this Act it is hereby stipulated that, in addition to the courts already having such jurisdiction conferred by law, jurisdiction of offenses under this act occurring anywhere within the county and jurisdiction, power and authority to impose the maximum fines and penalties and punishment herein provided for, is hereby conferred on all inferior courts, or courts established in lieu of Justice of the Peace courts by whatsoever name called, on which courts criminal jurisdiction is now by law conferred in counties having over 150,000 population according to the last or any subsequent federal census, and the defendant in the trial of such case shall not have the right to plead that the crimes or offense with which such defendant is charged occurred or arose in some precinct of the county other than the one in which said court is located and such trial is had; nor shall the defendant in such cases in counties where there is a division of the Circuit Court having and exercising territorial jurisdiction over parts of such counties and holding court at places other than the county site of such county, have the right to plead that the offense with which the defendant is charged occurred or arose in some other subdivision of the county than the one in which such court is located and such trial is had.

Section 5. The license inspector, or other official of the State chargeable with the duty of collecting delinquent licenses under the laws of the State of Alabama, and with the duty of enforcing the provisions of this act, shall receive and be paid out of the same, by the officer collecting it, when and as collected, fifteen per cent (15%) of all fines and forfeitures imposed under the provisions of this act, in case the prosecution was instituted by him, or at his instance, or on information furnished by him, but not otherwise.

Section 6. "Except in case the emigrant agent or labor agent defined in this act, be a corporation or co-partnership engaged in the publication and distribution or circulation of a newspaper or other publication, or engaged in the transmission of telegrams or messages for hire and engaged in rendering

messenger service in connection therewith," no license shall be issued or granted under this act to a corporation, association, firm or partnership; but may be issued only to an individual person.

Section 7. Before any license shall be granted or issued under this act, the person applying for same shall file with the Judge of Probate of such county a bond executed by him, with at least two good and sufficient sureties residing in the county, (or with some bonding corporation authorized to do business in Alabama), to be approved by said Judge of Probate, payable to the State of Alabama, in the sum of Five Thousand Dollars, conditioned on the payment of such damages as any person may sustain by reason of any false representations or misrepresentations made to such person by such person applying for such license, or any of his agents, representatives, or in any advertisement or written or printed matter, as to the nature of the place where such laborer is to be sent for employment, or the surroundings thereat, wages to be paid, class and nature of the work to be performed thereat, duration, or any other feature of the prospective employment, together with such damages as may be sustained by failure to secure the promised employment; (no person who would otherwise be entitled to maintain an action on such bond shall forfeit or lose his cause of action or right to maintain the suit, because of any waiver thereof made in advance of the accrual of such cause of action; and all such waivers shall be null and void and of no force and effect). Furthermore, said bond shall be conditional on the payment of such damages as any person may sustain by reason of his servant or employe having been enticed away or caused to leave the employment by said agent, his representative or employe or by reason of his advertising matter, circulars, letters and the like, or of the solicitations of such agent or his emissaries. Any person who may suffer damage by reason of any of the wrongs set forth as a condition under which damages may be payable under said bond may recover thereunder by suit in his own name and the same may so be prosecuted and maintained against the principal on said bond and also the sureties on said bond may be properly joined as parties defendant to said action and recovery may be had against them as in like cases provided by law.

Section (71½). No license shall be granted or issued under this Act, unless the person wishing same shall first produce to the Judge of Probate of the County in which he wishes to engage in the business of Emigrant Agent or Labor Agent, within the meaning of this Act, a recommendation in writing signed by twenty householders and freeholders who are qualified electors of the county in which the applicant proposes to engage in said business, stating (1) That they are personally acquainted with

such Applicant; (2) That he is of good moral character and that his reputation for truth and veracity is good; (3) That he has been a bona fide resident citizen of the State of Alabama for six months preceding the filing of the application. Which said recommendation shall be filed with the application for license hereinafter provided to be made. Nor shall such license be issued unless at the time of filing the recommendation the applicant also file, with said Judge of Probate, his application for license, which application shall state, (1) The full name and present residence of applicant and how long he has there resided, (2) The location or post office address, so that it may be located, of the known place or places where the business is to be carried on or conducted, and the name and post office address of the owner of the premises, (3) that the applicant has never been guilty or convicted of violating the Criminal laws of the State of Alabama and that applicant has never heretofore hired or solicited laborers to go or to be employed outside of Alabama nor furnished, provided or arranged for transportation for laborers to go beyond the limits of the State of Alabama, nor assisted others in doing so, without having first paid the license tax in such cases provided by law in force at the time, to be paid, nor has he at any time solicited or caused to be solicited nor sought to cause any laborer or laborers to leave or quit the employment of another nor assisted or caused others to do so, (4) The name, residence and post office of any and all persons, firms and corporations pecuniarily interested with applicant in the business for which the license is sought or who has or who will furnish or provide or advance or loan to applicant the money or any part thereof to pay for the license so applied for. (5) The name of the employer and the name of the place the laborers solicited or hired or shipped, are to be employed and the name of the person or persons at such place under whom they will work; the class of work they will be called upon to perform and scale of wages paid therefor; the living accommodations that will be provided and the cost of board and lodging thereat; whether or not the transportation furnished will be charged against the laborer and if so on what terms, and whether or not return transportation will be provided in case the laborer is dissatisfied with wages or conditions or is refused employment or discharged for any cause, within three months after his services have begun. Also the amount of compensation applicant is to receive for each laborer procured by him. Said statement must be sworn to by the applicant before such Judge of Probate or before some judge of a court of record in the State, and if any false statement is knowingly made by such applicant, then such applicant shall be guilty of perjury and shall be punished as by law in such cases provided.

Section (8). Before the granting of the license the applicant must go before an officer authorized to administer an oath and to certify affidavits and make and subscribe the following affidavit, and file the same with such Judge of Probate along with his application for licenses, viz; I, _____, do solemnly swear that I will observe and comply with the provisions of Acts of the legislature of Alabama and laws of the State of Alabama relating to Emigrant Agents or Labor Agents; that I will not engage in or undertake to engage in the business defined in said Act, in any county in the State of Alabama, without having first procured a license therefor as provided in said Act; that I will not enter into partnership or association with, nor employ any one to assist or aid me in carrying on the business or in soliciting or recruiting of laborers, nor in advertising or distributing advertising or arranging for transportation, or to accompany any laborers while in transport, nor to do any other act or thing for which a license is provided to be paid in said Act, unless such person has first procured a license as provided in said Act; and that I will not allow such assistance to be made by any such person gratuitously or otherwise; that I will not at any time solicit or entice or cause to be solicited or enticed away or to leave the employment any servant or employee then in the service of another, nor will I assist or cause others to do so; that should I change the location of my place of business or set up another place of business within the county than that specified in my application for such license, or desire to ship or send laborers to other employers or places than as stated in item (5) of my application that I will before doing so file an additional statement under oath giving the information with respect thereto as required by Item (5) of the original application; that I will file with the said Judge of Probate from time to time as they may be engaged a statement in writing under oath giving the names and residence address of all persons that may be engaged in assisting me or employed by me in carrying on the business; and that I will not knowingly recruit for or having recruited deliver or turn over to any one laborers to be shipped or employed without the State of Alabama who is not a holder of a license under said Act; that I will solicit and advertise for and recruit only those who are not at the time employed within the State of Alabama: In consideration of the issuance of the license to me, the undersigned under the above mentioned Act, I do hereby agree, that in case such license is suspended or revoked under the provisions of said Act or under any other law in such cases provided, to forfeit to the State and to the county in which the same is issued, any and all unearned portion or portions and all and any part thereof of the money so paid for said license, and do hereby waive any and all claim or claims that I

may have against the State of Alabama and against said County and against any judge or official thereof, that I may have by reason of any such suspension or revocation of said license. Witness my hand and seal this _____ day of _____ 192—.

_____. L. S. (i) The Judge of Probate of the county in which any license may be issued under this Act shall have the power and authority to suspend for any period of time, or to revoke absolutely any license issued under this Act to any person, in case such person is convicted of crime, or upon information under oath being filed with said Judge of Probate, that such licensee made any false statement or statements in his application for such license or his affidavit accompanying the same or has violated his oath or any of the same in his said affidavit, or failed to keep any of the promises contained in said affidavit, or has violated any of the provisions of this Act, or has violated any provisions of the criminal laws of the state respecting the enticing away or causing to leave the employment of another any employe or servant; or if said Judge of Probate has reason otherwise to believe that any such of above is true he may under the power and authority vested in him hereunder suspend for any length of time or absolutely revoke such license for the causes set forth above; but in any case the said Judge of Probate shall cite such licensee to appear before him at his office or place of holding court at such a time as the said Judge may appoint (but not less than three days from the time of the service of such notice) to show cause why his said license shall not be suspended or absolutely revoked under the authority of this Act, and the matter shall be then and there heard and adjudicated according to the procedure of courts of record in this state on Rule Nisi and as in such cases provided by law. If upon the hearing the said licensee is found guilty or in case he failed to appear, then said Judge shall enter a judgment or decree absolutely revoking such license or suspending the same for such period of time as he deems proper, provided that for a second offense the license must be revoked absolutely. Upon the entering of such decree or judgment the money paid for said license all and every part thereof shall be forfeited to the state and county respectively. There shall be no appeal from the judgment or decree or decision of the said Judge of Probate suspending, cancelling or revoking any license hereunder. If during the term or period for which the license is suspended or permanently forfeited, the person who held said license shall do or undertake to do business as defined in this Act he shall be guilty of a misdemeanor and shall upon conviction be punished as is provided in subdivision (d) of this Act; and if the situation be a suspension of the license, such license shall immediately be and become forfeited and void without any further affirmative action being taken in regard thereto.

and no appeal from conviction shall have the effect of reinstating said license so long as the judgment or conviction remains unreversed. (j) If any provision, subsection, sentence, clause or part of this Act shall be declared unconstitutional the remaining provisions unaffected thereby shall continue in full force and effect.

Approved August 25, 1923.

No. 195.)

(H. 500—Goodwyn.

AN ACT.

For the relief of J. P. Hanks and to appropriate for the said J. P. Hanks, the sum of Four Hundred and Thirty-two (\$432.00) Dollars, for services rendered by him as Clerk or Secretary of the Alabama Public Service Commission.

Be it enacted by the Legislature of Alabama:

Section 1:—That out of any funds in the State Treasury, not otherwise appropriated, there is hereby appropriated the sum of Four Hundred and Thirty-two (\$432.00) Dollars, for the relief of J. P. Hanks for services rendered the State of Alabama by the said J. P. Hanks as Clerk or Secretary of the Alabama Public Service Commission for a period of time beginning October the 28th, 1922, and ending January the 1st, 1923, at the rate of \$200.00 per month.

Section 2:—That immediately after the passage of this Act, and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasury in favor the said J. P. Hanks in the sum of Four Hundred and Thirty-two (\$432.00) Dollars.

Approved August 28, 1923.

No. 196.)

(H. J. R. 90—Rules Committee.

HOUSE JOINT RESOLUTION.

WHEREAS a joint resolution has been passed requesting a statue of General Joseph Wheeler to be placed in the Hall of Fame in the Capitol at Washington.

THEREFORE, BE IT RESOLVED by the House, and Senate concurring, that a committee of three, consisting of one mem-

ber from the Senate and two from the House, be appointed to represent the Legislature in matters arising concerning the preparation and placing of the statue, and that the Governor of Alabama be requested to act as Chairman of said committee.

Approved August 30, 1923.

No. 205.)

(H. 588—Cato.

AN ACT

To amend Sections 1313 and 1315 of the Code of 1907.

Be it enacted by the Legislature of Alabama,

That Section 1313 of the Code of Alabama, 1907, be amended to read as follows: 1313.. Assessments; force of judgments; execution therefor. After the assessment has been corrected by the council or board, it has the force and effect of a judgment against the property, real or personal, assessed, and against the person owning the same, and at any time within five years after delinquency, may be enforced by an execution issued by the clerk to be levied upon the property, real or personal, which was so assessed for taxation, if to be found, and if not, then upon any other property, real or personal, belonging to the person against whom such taxes were assessed. The execution may be in form provided by the council, and may be levied by the Chief of Police or other person designated by the council and the property so levied upon may be sold by such officer upon notice required by law for the sale of the same class of property by the sheriff, at a time and place designated in the notice. The owner of real property sold under an execution issued in accordance with this Section shall have the right of redemption provided for in the sale of real property for the payment of State and County taxes. Provided nothing in this Act shall be construed to be the exclusive remedy for the collection of taxes.

Be it further enacted by the Legislature of Alabama, that Section 1315 of Code of Alabama, 1907, be amended to read as follows: 1315. Tax Sale; title of. The purchaser of property, real or personal, sold under an execution issued by the City or town clerk, shall receive a title clear of all incumbrance, except of liens held by the state and county, provided the property sold is the property against which the taxes for the payment of which the sale is had were levied. That all laws, and parts of laws, in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved August 31, 1923.

No. 207.)

(H. J. R. 135—Kilborn.

HOUSE JOINT RESOLUTION.

WHEREAS, the Hon. James J. Davis, the friend of homeless childhood, the founder of Mooseheart, now Secretary of Labor of the United States, will on Monday, September 3, 1923, visit the City of Birmingham, thus affording the Legislature of Alabama the opportunity to hear one of the Nation's foremost and best loved men;

NOW THEREFORE be it resolved by the House, the Senate concurring, that Mr. Davis be and he is hereby invited on his forthcoming visit, to journey to Montgomery and to address the two Houses in joint session upon such subject as he may choose and at his convenience;

BE IT FURTHER RESOLVED that a committee of five be appointed, two by the President of the Senate and three by the Speaker of the House, to transmit a copy of this Resolution to Mr. Davis and to make all necessary arrangements for his visit.

Approved August 31, 1923.

No. 208.)

(H. J. R. 132.—Rountree.

HOUSE JOINT RESOLUTION.

WHEREAS, The Alabama Department, American Legion, is meeting this week in Convention at Mobile, and

WHEREAS, The Legislature of the State of Alabama, as the Representative Body of the people of the State of Alabama, wishes to again convey its appreciation of the past glorious deeds of the World War Veterans; its confidence in the aims and ideals of the American Legion; and its belief in the Legion as one of the strongest forces for good in the State and Nation;

THEREFORE: BE IT RESOLVED BY THE HOUSE, the Senate concurring, That the Governor be requested to send Greetings from the State of Alabama to the Alabama Legionnaires assembled in Convention at Mobile, together with a copy of this Resolution.

Approved August 30, 1923.

No. 209.)

(H. 573—Young.

AN ACT.

To Legalize and permit the issuance of free passes by Railroad Companies and public carriers to Sheriffs.

Be it enacted by the Legislature of the State of Alabama as follows:

Section 1. That it shall be lawful for any Railroad Company or public carrier to issue to any sheriff of this State a free pass permitting such officers to travel on the railroads of the company issuing same free of any charge; and the issuance of such free pass and its use by such officer is hereby permitted, authorized and legalized.

Section 2. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.
Approved August 30, 1923.

No. 212.)

(S. 335—Brower.

AN ACT.

To amend Section 1 and 3 of an Act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars" approved September 16, 1915 (General Acts of 1915, Page 589.)

Be it enacted by the Legislature of Alabama:

That Section 1 and 3 of an Act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars" be and the same is hereby amended so as to read as follows: Section 1. In all counties in the State of Alabama whose aggregate tax values according to the complete tax assessments of the preceding year, now or hereafter, amount to as much as one hundred million dollars, all persons shall be relieved of any legal obligation to work on the public roads and streets or to pay any penalties in default thereof. Section 3. Nothing herein contained shall prevent or interfere with the working of county convicts on the public roads or the city convicts on the streets of the cities and towns of the counties herein described.

Approved August 30, 1923.

No. 213.)

(S. 343—Teasley.

AN ACT.

To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy five thousand people and less than ninety five thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer.

Be it enacted by the Legislature of Alabama:

Section 1. That upon the passage and approval of this Act by the Governor, it shall be the duty of the Society for the prevention of cruelty to animals, or other similar society organized in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety five thousand people according to the last Federal census, or any such census which may hereafter be taken, to appoint a humane officer for said Counties.

Section 2. That in all such counties, in addition to the duties prescribed and fixed by law for humane officers, it shall become the further duty for the humane officer to see that all laws with reference to the prevention of cruelty to animals be strictly enforced and brought to the attention of the courts within said counties. That the number of cases investigated and docketed by said humane officer, with a full description of each case, shall be filed each month in the office of such humane society, and a complete report published every six months.

Section 3. That the salary of said Humane Officer shall be One hundred dollars per month, payable monthly. That any city which now has, or which may hereafter have a population of twenty-five thousand people and less than fifty thousand people according to the last Federal census or any such census which may hereafter be taken, which is located in any county covered by this act, shall pay one-half of the said salary of said Humane Officer and the county shall pay the remaining one-half of said salary of said Humane Officer.

Approved August 30, 1923.

No. 218.)

(H. 614—Smith of Jefferson.

AN ACT.

To fix and regulate the compensation of the deputy circuit clerk of the criminal division of the Circuit Court in all counties of the State having a population of more than 200,000 according to the last or any subsequent federal census, and to provide for the payment of such compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of this State having more than 200,000 population according to the last or any succeeding Federal census the Deputy Circuit Clerk of the Criminal Division of the Circuit Court shall receive a salary of \$4,800.00 per annum payable in equal monthly installments out of the County treasury, in the same way and manner as the salary of other County officers in such counties are now paid.

Section 2. This bill will take effect immediately upon its passage and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved August 31, 1923.

No. 221.)

(H. 547—Howze

AN ACT.

For the relief of Scottenn Coal, Inc., to pay it the sum of \$46.98 due it the State of Alabama and the sum of \$23.49 due it by Jefferson County, Alabama, for franchise taxes erroneously collected by the State Tax Commission for the year 1921.

Whereas the State Tax Commission of Alabama did on the 23rd day of March, 1922, collect the sum of \$80.23 from Scottenn Coal, Inc. as franchise taxes for the year 1921; and

Whereas the State Tax Commission paid \$53.49 of the said sum into the State Treasury and \$26.74 of said sum into the county treasury of Jefferson County, Alabama, as provided by law; and

Whereas such collection and disbursement was erroneous and the amount collected by the said State Tax Commission from the said taxpayer for the year 1921 should have been the sum of \$9.77, and the amount paid into the said State Treasury should have been \$6.51 and the amount paid into the said county treasury should have been \$3.26, leaving a balance of \$46.98 due the said taxpayer by the State of Alabama and a balance of \$23.49 due the said taxpayer by Jefferson County, Alabama. Now, Therefore,

Be it enacted by the Legislature of Alabama:

Section 1. That the State of Alabama owes Scottenn Coal, Inc., the sum of \$46.98.

Section 2. Be it Further Enacted that Jefferson County, Alabama, owes Scottenn Coal, Inc., the sum of \$23.49.

Section 3. Be it Further Enacted that the State Auditor be, and he is hereby authorized and directed to draw a warrant on the State Treasurer of the State of Alabama in favor of the said Scottenn Coal, Inc. for the said amount of \$46.98, payable out of any money in the State Treasury not otherwise appropriated.

Section 4. Be it Further Enacted that the President of the Board of Revenue of Jefferson County, Alabama, be and he is hereby authorized and directed to issue to Scottenn Coal, Inc., a

warrant upon the treasury of Jefferson County, Alabama, in the sum of \$23.49, to be paid out of the general funds of said county.
Approved Sept. 4, 1923.

No. 226.)

H. 540—Lewis Bowen.

AN ACT.

To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last or any succeeding Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Be it enacted by the Legislature of Alabama:

Section 1. That boards of revenue of counties in Alabama of more than 200,000 population by the last or any succeeding Federal census are hereby authorized to make appropriations to county boards of education to be used in providing class rooms, laboratories, and shops for use in teaching vocational subjects, and for maintaining such vocational departments after they have been established; provided that such appropriations may only be made for use in any school or schools duly recognized by the State Board of Education as centers for vocational instruction of the Smith-Hughes type, and on account of which reimbursement is being made or is to be made during the next fiscal school year following the first payment of county funds appropriated for such purposes.

Section 2. That funds so appropriated shall be paid to the county treasurer of public school funds by the county treasurer on authorization of the board of revenue. The county treasurer of public school funds shall pay out such funds on authorization of the county board of education.

Approved Sept. 3, 1923.

No. 227.)

(H. J. R. 136. Hodgson.

HOUSE JOINT RESOLUTION

WHEREAS, the Budget Committee has made provision for funds to continue the development of the State Normal School at Daphne, Baldwin County, Ala. And

WHEREAS the Legislature of Alabama in 1919 by statute enacted placed said Normal School at Daphne on a Class A basis.
And

WHEREAS, it is the sense of this Legislature that Educational justice to the great southwest section of the State demands immediate steps be taken to insure the opening of the institution in September.

THEREFORE BE IT RESOLVED by the House the Senate concurring that the State Board of Education take steps immediately, First for the selection of a President and Faculty for said school for the coming session. Second for the prescribing of a Class A. course of study for said School for the present session.

Approved Sept. 4, 1923.

No. 228.)

AN ACT.

(S. 210—Craft.

To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any person of this State has taught, continuously, in any of the public schools of this State, for thirty years and has reached the age of sixty years and his or her record as a teacher is without reproach and, by reason of physical inability or mental infirmity, he or she is unable to teach longer and is without the means of comfortable support; such teacher may lay his or her case before the county board of education or other school governing body, by whatever name called, in all counties having a population of not less than eighty thousand (80,000) nor more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, and the said board shall consider the case of the said teacher and, if the board should find the facts to be as hereinbefore stated, the teacher shall be placed on a list, styled the "Retired List," which shall be kept as a part of the records of the said board. Every person so placed on the said Retired List shall be entitled to receive a pension from the public school funds of the said county or counties, in such sum, as to the board may seem proper; provided however, that in no event shall such pension exceed in any case the maximum of three hundred and sixty dollars (\$360.00) per year; which said pension shall be paid monthly by the Treasurer of public school funds of the county in which the teacher, making said application, lives, in the same way as other teachers are paid; provided fur-

ther that such payment of pension shall be made only so long as the said teacher is without other means of comfortable support; provided further that the said public school authorities in such county or counties may, for any reason which they deem sufficient, discontinue payment completely; and provided further, that a discontinuance for any reason other than that the circumstances of the said pensioner have so changed as that he or she has other means of comfortable support, shall not be had except upon a majority vote of the full Board. Provided that this Act shall never be construed or enforced so as to authorize the retirement of any officer on pay or part pay or to make any grant to such retiring officer, or should it ever be construed or enforced so as to authorize any county to grant any extra compensation fee, or allowance to any public officer, servant or employee after service shall have been rendered, but that all payments made under the provisions of this Act shall be for some service to be performed or for some duties to be discharged after the passage of this Act. The County Board of Education, however, may assign work or duties in connection with the public schools of the county to such person to whom payments are to be made under this Act and that payments made thereunder shall be made in consideration of such service to be performed in the future in connection with the public schools of the county which pay such compensation.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Approved Sept. 4, 1923.

No. 230.)

(H. 268—Jeter

AN ACT.

To define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. The term billiards, as used in this act, shall mean any of the several games played on a table surrounded by an elastic ledge of cushions, with balls which are impelled by a cue, and shall include all forms of the game known as carom billiards, pocket billiards, formerly known as pool, and English billiards. The term billiard room shall mean any public place where the game of billiards is permitted to be played, and for which a charge is made.

Section 2. Authority is hereby vested in the various Probate Judges within the State of Alabama to license the operation of billiard rooms within the corporate limits of the Cities and towns of their respective counties as hereinafter provided.

Section 3. No license to operate a billiard room shall be issued to any person to operate any billiard room to which the

public has access for amusement and recreation, who is not twenty-one (21) years of age, and a citizen of the United States; or who has been convicted of felony. Application for license to operate a billiard room shall be first made to the Probate Judge of the County in which the applicant proposes to conduct said business, in the form hereafter provided, and no license shall be issued by any city or town to any person to engage in such business until after such person has made application to and has been granted a license by the Probate Judge of the county in which such city or town is located. Every application for license shall be accompanied by the affidavit of the applicant sworn to before an officer authorized by law to administer oaths, that the applicant is a citizen of the United States; that he is of good moral character; that he has not been convicted of felony; that he will not permit vagrants, or any person under the influence of intoxicating liquors to frequent or play in his place of business; that the applicant will have sole personal charge and management of said business; that he will not permit public gambling in such place of business, or permit the above described tables to be used in any manner other than as provided by law. There shall also be filed with such application a bond in the penal sum of \$1,000.00, payable to the State of Alabama, and conditioned upon the faithful performance of all provisions of this Act, signed by the applicant as principal, and either a surety company or two individuals as securities, which said bond must be approved by the Probate Judge and filed in his office. When said application and bond have been filed and approved as aforesaid, the Probate Judge shall issue license for the current year, or unexpired portion thereof, upon the payment of the license fees provided by the general laws of the State of Alabama. Provided further, that if any licensee hereunder shall voluntarily relinquish personal supervision, management and control of any billiard room, he shall surrender his license to the Probate Judge who may issue a new license to some other person, firm or corporation to continue said business, under the provisions of this Act, in which event credit shall be given for the unused portion of said surrendered license. But if any licensee shall relinquish management of said business as aforesaid, without surrendering his license for reissue as hereinbefore provided, said license shall be deemed to be forfeited and the Probate Judge may order the Sheriff of the County or the Chief Law Enforcement Officer of the State of Alabama to close said place of business.

Section 4. Before any person, firm or corporation shall be authorized to conduct a billiard room in any city or town in the State of Alabama, it shall be necessary, in addition to complying with the foregoing provisions of this Act, to make application

to the City Clerk of such City or town for a license, and said application shall certify that application has been made to and a license granted to such applicant by the Probate Judge of the County in which such city or town is located.

Section 5. It is hereby made the duty of the Chief Law Enforcement Officer of the State of Alabama to regularly inspect all public billiard rooms in the State for the purpose of ascertaining whether or not the provisions of this Act are being observed, and it is his duty to report all violations promptly to the Solicitor of the County in which such rooms are located, and furnish him with such information and assistance as is necessary for the prosecution of violations of this Act.

Section 6. The governing bodies of incorporated towns where billiard rooms are operated may fix a license fee for the operation of such billiard rooms and may make such additional regulations, governing the operation of such billiard rooms, as they may deem proper, provided that no city or town shall have power to license or authorize the doing of any act or thing prohibited by this Act.

Section 7. It shall be unlawful for any person, firm or corporation to operate a billiard room between the hours of eleven-thirty o'clock P. M. and six o'clock A. M. or harbor or permit any person to be or remain in such billiard room between said hours, except regular employees performing necessary labor within the premises.

Section 8. It shall be unlawful for any person to play billiards, or to be permitted to remain in a billiard room, for any purpose, who has not reached the age of twenty-one (21) years, unless accompanied by a parent or guardian. In the event the keeper of a billiard room is of the opinion any person desiring admission thereto is under the age of twenty-one years, he shall require such person to certify his age in writing, and it is hereby made a misdemeanor, punishable by a fine of not less than \$25.00 or more than \$100.00 for any minor to make false certificate as to his age.

Section 9. No dice, cards, dominoes or other games of chance shall be permitted, or any form of gambling allowed in any billiard room, or in any room in which billiard tables are located, or in any cigar store, or other business located in the same room; provided further, that no game prohibited by law shall be played in such premises, and it is expressly provided that such games as are now known as Kelly Pool, Keno, Star pool, Scrub, and similar gambling devices are expressly prohibited, and that no racing or other betting pool shall be exhibited, permitted, or sold in such places of business, and that no intoxicating liquors shall be sold, served or allowed to be used in or on the premises.

Section 10. All billiard rooms shall be kept at all times in a clean, healthful and sanitary condition, and shall comply with all said ordinances now in force, or which shall hereafter be enacted, regulating the same, and subject to all sanitary rules and regulations of the Health Department.

Section 11. No billiard room operating under the provisions of this Act shall allow or permit any screens, curtains, blinds, partitions or other obstructions to be placed between the entrance, of room where billiards are played and back of rear wall of such billiard room. A clear view of the entire interior from the entrance to the rear of such room must be maintained at all times. No partitions forming rooms, stalls or other enclosures where the public congregate, shall be permitted. This provision, however, shall not be construed to prohibit the maintenance of wash rooms, and toilet rooms for proper purposes, or the maintenance of closets for storing purposes exclusively.

Section 12. It shall be unlawful for any billiard room to maintain, or permit to be maintained, any open or secret connections, through doors, windows, or trap-doors, panels, stairways, or other devices, with any place where gambling is conducted or where persons congregate for immoral purposes.

Section 13. Every person, firm or corporation who shall keep or permit to be kept or used, any billiard table, or tables, within a city or incorporated town in this State without having applied for a license as provided for in Section 3, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty dollars nor more than one hundred dollars, and each day that said table is operated without a license shall be deemed a separate offense.

Section 14. Every licensed billiard room proprietor shall post up in his room where said tables are operated a placard having Section 8 of this Act conspicuously written upon or printed thereon, in letters of not less than one-fourth of an inch in height for the information of his patrons.

Section 15. That the provision of this Act shall not be construed to include billiard tables or billiard rooms operated by industrial concerns for the exclusive use of its employees, Young Men's Christian Association, Religious orders, Charitable Institutions, State, County or City Institutions, Fraternal Orders, or bona fide Clubs organized and chartered prior to January 1st, 1923, using such tables for employees or members only.

Section 16. Every licensed Billard Room keeper, who shall violate any of the provisions of this law, except as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$250 for the first conviction, and upon the second conviction shall forfeit the full amount of the bond to the State and thereafter no license shall be issued to such Billiard room keeper.

Section 17. Any licensee under this Act, who knows, or is interested in, or knowingly permits any gambling device, mentioned in Section 9 of this Act, now prohibited by law in any Billiard Room, or who knowingly permits any Billiard table to be used for gambling, shall be guilty of a misdemeanor and on conviction thereof shall for a first offense be fined not less than \$50.00 nor more than \$500.00 or may be sentenced to hard labor for the County for not more than 12 months, and on a second conviction shall be guilty of a felony, and shall be fined not less than \$100.00 and sentenced to the penitentiary for not less than one and not more than two years.

Section 18. This Act shall not be construed as authorizing the issuance of any license by City Officials or Probate Judge for the operation of any public Billiard Room in any Town or City of this State where the operation of a public Billiard Room is now or may hereafter be prohibited by City Ordinance.

Section 19. If any Section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 20. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 21. This act shall take effect October 1st, 1923.

Approved Sept. 5, 1923.

No. 232.)

(H. J. R. 119—Long.

HOUSE JOINT RESOLUTION.

WHEREAS, The late Col. Jefferson Manly Falkner established a home at Mountain Creek, Alabama, for soldiers and sailors, the said Jefferson Manly Falkner conveying to the State the lands on which the said home was established, patriotically devoting, during his declining years, a substantial part of his worldly goods, his time and his energy toward the construction and maintenance of said Soldiers' Home and the comfort of its inmates, and,

WHEREAS, For many years after its establishment the said Soldiers' home was known as "The Jefferson Falkner Soldiers' Home," and,

WHEREAS, By various acts of the Legislature relating to the maintenance and operation thereof, it has been in recent years, designated as "The Soldiers' Home at Mountain Creek," leaving off the name of the patriotic founder of said Home;

THEREFORE, BE IT RESOLVED by the House of Repre-

sentatives of Alabama, the Senate concurring, That the said Soldiers' Home at Mountain Creek be and it hereby is officially designated as "The Jefferson Manly Falkner Soldiers' Home, Mountain Creek, Alabama," and that all statutes and resolutions heretofore enacted or adopted by the Legislature with reference to said Home, be and they hereby are construed as applying to the said Home by the designation of "The Jefferson Manly Falkner Soldiers' Home, Mountain Creek, Alabama," and that in future statutes and resolutions and official communications relating to said Home, it shall be so designated.

RESOLVED FURTHER, That a certified copy of this resolution be furnished to the Officers and Trustees of said Home and to all interested officials of the State of Alabama, as well as to the widow and the sons of the late Col. Jefferson Manly Falkner.

Approved Sept. 5, 1923.

No. 235.)

AN ACT

(S. 339. Brower.

To provide and prescribe the manner and method by which changes and alterations in the form of government of cities having a population of 100,000 or more according to the last or any subsequent Federal census may be adopted, and to provide when such change or changes shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That the form of government of any city having a population of 100,000 or more, according to the last or any subsequent Federal census may be changed or altered by ordinance initiated and adopted by the people of said city in the same manner and method and according to the same rules as are provided for the initiation and adoption by the people of any other ordinance in said city.

Section 1½. Provided further that no election shall be held on any such ordinance at the same time or within six months prior to the day on which members of the governing body of said city are elected.

Section 2. Provided, however, that no ordinance changing or altering the form of government of any such city shall become effective until the expiration of the term or terms of office of the members of the governing body of said city on the date of the adoption of said ordinance. This Act shall become effective upon its approval by the Governor.

Approved Sept. 7, 1923.

AN ACT

To increase the power and authority of Courts of County Commissioners and Courts of like jurisdiction in the acquisition by leasing, or otherwise, and in the maintenance and operation of bridges over navigable or other streams, and to authorize the expenditure of county funds for said purpose. To authorize and empower said Courts to contract for and take over by lease, or otherwise, the operation of bridges over navigable or other streams and to maintain the same as public highways; to authorize said Courts to expend county funds in carrying out said contracts, in payment of lease hire, in the cost of maintenance, in paying for liability incurred by the Counties to the owners or lessors of such bridges, on account of accidents or injuries that may arise from their operation; to contract with other Courts of County Commissioners or courts having like jurisdiction, for the joint taking over and operation of bridges; to lease, maintain, guard and keep in repair, such bridges, whether they lie in part or wholly within the limits of any incorporated municipality and to ratify and confirm all contracts heretofore made by any Court of County Commissioners or Court of like jurisdiction, whether with each other or with private parties for the taking over, maintenance leasing and operation of bridges and all payments heretofore made by any County of this State through its properly authorized officers on account of such contracts or operations, or on account of pre-existing contracts or operations.

Be it enacted by the Legislature of Alabama,

Section 1. That the Courts of County Commissioners and Courts of like jurisdiction of the several counties of the State of Alabama, are hereby vested with the following authority in connection with and in addition to any authority, general or special heretofore vested in them by law; that is to say, that for and on behalf of the respective Counties which they represent, Courts of County Commissioners and courts of like jurisdiction are hereby authorized and empowered to contract for and take over, by lease or otherwise, the operation of bridges over navigable or other streams and to maintain the same as public highways and to expend county funds in the pursuance of such contracts, whether for the purpose of such leases or for the payment of the cost of maintenance or for liability accruing to such County, or to the owners or lessors of such bridges on account of accidents or injuries that may arise from such operations.

Section 2. That the several counties of the State, through their respective courts, shall have the authority to contract with each other on such terms or basis, as to them may seem satisfactory, for the joint taking over, leasing, maintenance and operation of such bridges and for meeting such contractual obligations as are provided for in Section One of this Act for liability accruing to such counties on account of accidents or injuries that may arise from the operation of such bridges.

Section 3. The several counties of the State, through their respective courts, shall be vested with the authority hereinbefore

set out with regard to the maintenance and operation of such bridges, whether or not such bridges lie in part or wholly within the limits of any incorporated city, town or municipality.

Section 4. All contracts heretofore made by any county or counties of this State, through its Court of County Commissioners or other court of like jurisdiction, whether with each other or with private parties, for the taking over, maintenance and operation of bridges of the kind hereinbefore specified and within the terms hereinbefore specified and all payments heretofore made by any county of this State on account of such contracts or operations and all such payments as may hereafter be made on account of pre-existing contracts or operations are hereby ratified and confirmed.

Section 5. This Act shall go into effect immediately upon its passage, the public welfare demanding it.

Approved Sept. 7, 1923.

No. 239.)

(H. 322—Snodgrass.

AN ACT.

To amend Sections 7, 8, 13, 23 28, 29, 36, 39 and 41 of an Act entitled "An Act, To regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act." Approved September 19, 1919 and October 5, 1920.

Be it enacted by the Legislature of Alabama:

Section 1. That Sections 7, 8, 13, 23, 28, 29, 36, 39 and 41 of an Act entitled "An Act, To regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act." Approved September 19, 1919 and October 5, 1920, each be amended so as to read as hereinafter set out:

Section 2. That Section 7 of said Act be amended so as to read as follows: STAFF OF THE GOVERNOR: The staff of the Governor shall consist of the following officers to be appointed by him and commissioned by him with brevet rank or with rank as provided hereinafter in this Section, holding office at his pleasure except as may otherwise be provided; One Adjutant General of the State with the rank of Brigadier General, or rank

as may be provided by the National Defense Act for officers of the State Staff Corps and Departments, who shall be Chief of Staff, and who shall be appointed by the Governor with the advice and consent of the Senate, and who prior to his appointment shall have served five years in the National Guard of Alabama, or shall have served in the Army of the United States in the War with Spain or the War with the Central European Powers; and not more than eighteen officers with rank of lieutenant-colonel as aides-de-camp. Provided: That, nothing in this Act shall prevent a member of the Governor's Staff from accepting an active or reserve commission under the provisions of the National Defense Act or other Federal Military Laws now or hereafter enacted.

Sec. 3. That Section 8 of said Act be amended so as to read as follows: ADMINISTRATIVE STAFF: The Adjutant General of the State shall be the Chief of Staff and ex officio chief of all staff departments. He shall supervise the receipt, preservation, repair, distribution, issue and collection of all arms and military stores of the State. He shall supervise all troops, arms and branches of the militia, such supervisory powers covering primarily all duties pertaining to the organization, armament, discipline, training, recruiting, inspecting, instructing, pay, subsistence and supplies; keep a roster of all the officers and men of the National Guard of Alabama, and keep on file in his office copies of all orders, reports, communications received and issued by him. He shall from time to time cause the laws and orders relating to the Militia of Alabama to be indexed, printed and bound at the expense of the State. He shall distribute to each officer all laws and orders relating to the Militia of Alabama, and cause to be prepared and published blank books, forms and stationery, when necessary, and furnish them to such officers at the expense of the State. Such expenses to be paid in the same manner as other State printing is paid. He shall from time to time prepare and publish, by order of the Governor, such orders, rules and regulations, consistent with law, as are necessary to bring the organization, armament, equipment, training and discipline of the Militia of Alabama to a state of efficiency as nearly as possible to that of the United States Army, and such rules and regulations as may be required to have the organization, armament, equipment, training and discipline of the National Guard of Alabama conform to that prescribed by the laws of the United States, now existing or which may hereafter be enacted with reference to the National Guard, or the orders and regulations of the War Department insofar as they may apply to the National Guard of Alabama, and shall attest all orders of the Commander-in-Chief relating to the Militia. He shall prepare such reports and returns as the Sec-

retary of War or the Secretary of the Navy may prescribe and require. And the State Auditor shall draw warrant on the State Treasurer for all expenses incurred under this section on bills regularly presented to and approved by the Governor. He shall perform such other duties as may be required of him by the Commander-in-Chief. He shall receive a salary of \$4,000.00 per annum. He shall have as his assistant, one officer who shall perform the duties of the State Property and Disbursing Officer and shall be The Assistant Adjutant General, and who shall in the absence of The Adjutant General, be The Acting Adjutant General, and perform the duties required of The Adjutant General. The Assistant Adjutant General and State Property and Disbursing Officer, shall see that all arms and military stores in the custody of the State are received, collected, preserved, repaired, issued and distributed to the Militia of Alabama at the expense of the State; and such other duties as the Adjutant General may require. And the Auditor shall draw warrant on the Treasurer for all expenses incurred under this section on all bills regularly presented to and approved by the Governor, such bills to be paid from the Military appropriations. The Assistant Adjutant General and State Property and Disbursing Officer, shall receive a salary of \$3,000.00 per annum. The Adjutant General may have to aid him in this discharge of his duties three assistants, one at a salary not exceeding \$2,400.00 per annum; one at a salary not exceeding \$2,000.00 per annum, and one at a salary not exceeding \$1,500.00 per annum, who shall be officers or enlisted men of the National Guard of Alabama and who shall perform the following respective duties: United States Property and Disbursing Officer; Assistant to the Adjutant General; and Assistant to the United States Property and Disbursing Officer and Military Storekeeper, and such other duties as the Adjutant General may require of them. All of whom shall be appointed by the Adjutant General with the approval of the Governor. The Adjutant General may employ two stenographers for the Military Department who shall perform such duties as the Adjutant General may require, and who shall receive salaries not exceeding \$1,200.00 per annum. All salaries herein provided shall be paid monthly in the same manner as the salaries of the other State officers are paid. The Adjutant General and the Assistant Adjutant General and State Property and Disbursing Officer shall give bond as now prescribed by law, and the United States Property and Disbursing Officer, and the Assistant to the United States Property and Disbursing Officer and Military Storekeeper, shall give bond in a Surety Company in such amounts as the Adjutant General may require, the bonds to be approved by the Governor and the premiums thereon to be paid by the State, the condition of the bonds to be as hereinafter provided.

Sec. 4. That Section 13 of said act be amended so as to read as follows: NATIONAL DEFENSE ACT: All provisions of the National Defense Act insofar as they relate to the National Guard of Alabama, and are not inconsistent with the Constitution of this State, are hereby declared to be a part of the military laws of the State of Alabama, and the Governor of Alabama, as Commander-in-Chief, is hereby authorized and empowered to do and perform all acts and to make and publish such rules and regulations to raise and keep the National Guard of Alabama up in every respect to the standard required by the laws of the United States, now existing or which may hereafter be enacted, for the National Guard. That officers and men of the National Guard of Alabama, after being drafted into the Federal service and discharged therefrom, shall revert to their original status and shall resume their membership in the National Guard and continue to serve in the National Guard until the date upon which their commissions or enlistments entered into prior to the draft would have expired, if uninterrupted.

Section 5. That Section 23 of said act is hereby amended so as to read as follows: PAY FOR STATE SERVICE: Officers and enlisted men, when employed in the active service of the State, as defined and provided in this Act, beginning on the day they assemble at their armories, or other designated places, until the day they have returned thereto and been properly relieved, inclusive, fractional parts of a day counting as a full day (a day beginning at midnight and ending the following midnight), shall receive pay and allowances at the following daily rates; Officers. A General, \$27.70 per day. A Lieutenant General, \$25.00 per day. A Major General, \$22.50 per day. A Brigadier General, \$16.00 per day. A Colonel, \$12.75 per day. A Lieutenant Colonel, \$11.40 per day. A Major \$10.70 per day. A Captain, \$8.70 per day. A First Lieutenant, \$7.25 per day. A Second Lieutenant, \$5.90 per day; and in addition the cost of hire or rental of quarters, and the cost of hire of one horse and one forage ration, when required to be mounted, when not furnished by the State, and the actual cost of subsistence. Enlisted men. A Master Sergeant, \$4.90 per day. A Technical Sergeant, \$4.50 per day. A Staff Sergeant, \$4.25 per day. A Sergeant, \$3.60 per day. A Corporal, \$2.95 per day, and Private First Class, \$2.30 per day. A Private First Class as a Specialist First Class, \$4.00 per day, as a Specialist Second Class, \$3.60 per day, as a Specialist Third Class, \$3.30 per day, as a Specialist Fourth Class, \$3.10 per day, as a Specialist Fifth Class, \$2.85 per day, as a Specialist Sixth Class, \$2.50 per day. A Private, \$2.00 per day. A Private as a Specialist First Class, \$3.65 per day, as a Specialist Second Class, \$3.30 per day; as a Specialist Third

Class, \$3.00 per day, as a Specialist Fourth Class, \$2.80 per day, as a Specialist Fifth Class, \$2.50 per day, and as a Specialist Sixth Class, \$2.20 per day. Each enlisted man shall be entitled to one ration per day or commutation of same at the actual cost of subsistence, under such regulations as the Governor may prescribe. The pay and allowances authorized by this section shall be paid out of the general treasury, and not from the military appropriation hereinafter provided for organization, maintenance, support and upkeep, on warrant of the Auditor on organization pay rolls or vouchers for individuals as may be required by the Governor as Commander-in-Chief, accompanied by copies of the orders authorizing service. Before payment, pay rolls and vouchers shall be certified by the Adjutant General and approved by the Governor.

Section 7. That Section 29 of said act be amended so as to read as follows: **COMPENSATION FOR INJURIES OR DEATH AND REHABILITATION IN CASE OF PERMANENT DISABILITY:** Every member of the militia who shall be wounded or disabled while in the active service of the State, in case of riot, tumult, breach of peace, resistance to process, invasion, insurrection or imminent danger thereof, or whenever called upon in aid of the civil authorities, shall be taken care of and provided for at the expense of the State, and shall be continued in the active service of the State until maximum possible physical improvement has been reached. **DEATH IN THE ACTIVE SERVICE OF THE STATE:** In case of injuries received in line of duty, in the active service of the State, resulting in death, the dependent members of the family of the deceased, if there be such, shall receive the same compensation as is provided by the Workmen's Compensation Law, the earning of the deceased in his civil vocation being the basis for such compensation. But in no case shall the basis for compensation be less than the salary the deceased was earning in active military service of the State. The compensation under this section shall be paid out of the General Treasury from monies not otherwise appropriated when not paid by a Bonding Company. **PERMANENT DISABILITY IN THE ACTIVE SERVICE OF THE STATE:** In the case of a soldier wounded or disabled while in the active Military Service of the State, the disability being of a permanent nature, in order that the Soldier be enabled to receive the benefits of the State Industrial Rehabilitation Law, the State shall bear the expense of transportation, subsistence and shelter of the soldier during the period of training. The total sum allowed for subsistence and shelter not to exceed Fifty (\$50.00) Dollars per month and the actual cost of transportation from his home to and from the place of training. The compensation under this section shall be paid out of the General

Treasury from monies not otherwise appropriated.

Section 8. That Section 36 of said act be amended so as to read as follows: **UNIFORM NOT TO BE DISCRIMINATED AGAINST:** That any proprietor, manager or employee of any theatre or other public place of entertainment or amusement within this State, who shall discriminate against any person lawfully wearing the uniform of any branch of the military or naval service of the United States or of the State of Alabama, because of that uniform, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Fifty (\$50.00) Dollars: **DISLOYAL OR INSULTING REMARKS TO TROOPS WHILE AT DRILL OR IN ACTIVE MILITARY SERVICE DECLARED UNLAWFUL:** When troops of any branch of the military or naval service of the United States or of the State of Alabama, are at drill in their respective armories, on the streets, public roads or other places, where such drills are conducted or when they are performing other duties required of them by the State of Alabama or the United States, it shall be unlawful for any person to make any disloyal or insulting remark either to or about said troops or to make any sign, motion, or gesture calculated to insult or humiliate said troops because of their being in such service, and any person guilty of making any such disloyal or insulting remark, or of making any such sign, motion or gesture, for the purpose and in the manner as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Fifty (\$50.00) Dollars.

Sec. 9. That Section 39 of said act is hereby amended so as to read as follows: **APPROPRIATIONS FOR ORGANIZATIONS:** In commutation of the expense which each organization of the National Guard of Alabama bears in providing drill room, and a safe place for the keeping of supplies, equipment, arms and ammunition, and in defraying the expenses necessary and incident to the upkeep of the organization, there shall be allowed to the Commanding Officer of each Headquarters of a Division: Brigade; Regiment; Battalion; State Staff Corps and Departments; Medical Detachment, Squadron or Battalion, or organization with equivalent administrative duties or property responsibility, the sum of \$300.00 per annum, or such less amount as the Adjutant General may recommend to the Commander-in-Chief, and the Governor may deem necessary, such allowance shall be paid quarterly. To the Commanding Officer of each Rifle, Regimental Headquarters and Battalion Headquarters Company of Infantry; Ambulance Company; Veterinary Company; Motor Repair Section; Photo Section, Air Service; Motorcycle Company; Medical Detachment, Infantry Regiment; Medical Detachment, Field Artillery Regiment; Head-

quarters Detachment Machine Gun Squadron, or other Unit with equivalent property responsibility, the sum of \$600.00 per annum, or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary such allowance shall be paid quarterly. To the Commanding Officer of each Howitzer, Machine Gun and Service Company of Infantry; Wagon Company; Ordinance-Maintenance Company; Headquarters and Service and Lettered Company of Engineers; Company of Coast Artillery, or other Unit with equivalent property responsibility, the sum of \$720.00 per annum, or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary such allowance shall be paid quarterly. To the Commanding Officer of each Service and Headquarters Battery of Field Artillery; Ammunition Train; each rifle Troop of Cavalry and Headquarters Troop of Cavalry, or other Unit with equivalent property responsibility, the sum of \$780.00 per annum, or such less amount as the Adjutant General may recommend to the Commander-in-Chief, and the Governor may deem necessary such allowance shall be paid quarterly. To the Commanding Officer of each Hospital Company; Machine Gun Troop of Cavalry, or other unit with equivalent property responsibility, the sum of \$840.00 per annum, or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary such allowance shall be paid quarterly. To the Commanding Officer of each Gun Battery and Headquarters Detachment and Combat Train, Field Artillery (75 mm horse drawn), or other unit with equivalent property responsibility, the sum of \$900.00 per annum, or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary such allowance shall be paid quarterly. To the Commanding Officer of each Division Signal Company; Anti-Air Craft Battery; Balloon Company; or other unit with equivalent property responsibility, the sum of \$960.00 per annum, or such less amount as the Adjutant General may recommend to the Commander-in-Chief, and the Governor may deem necessary, such allowance shall be paid quarterly. To the Commanding Officer of each Tank Company or unit with equivalent property responsibility, the sum of \$1020.00 per annum, or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary such allowance shall be paid quarterly. To the Commanding Officer of each Observation Squadron, Air Service, or unit with equivalent property responsibility, the sum of 1080.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary such allowance shall be paid quarterly. To each Band the sum of \$1800.00 per annum or such

less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary, such allowance shall be paid monthly. For the purpose of making such payment to a Band under the provisions of this section, it shall be rated as a separate Unit from the organization to which it is attached. To secure such allowance for any month or quarter, the commanding officer of the organization shall make application to the Adjutant General, accompanied by sworn statement of all receipts and expenditures for such period as the Adjutant General shall require, verified by vouchers showing evidence of payment of said money. Should the Governor disapprove of any expenditure therein, it shall be deducted from the next quarterly payment.

Sec. 10. That Section 41 of said act is hereby amended so as to read as follows: **APPROPRIATIONS. REGULAR APPROPRIATION:** That the sum of Eighty-Three Thousand, Seven Hundred and Fifty Dollars for the period from the date of the approval of this Act until September 30, 1923; and the sum of Eighty-Three Thousand, Seven Hundred and Fifty Dollars for the fiscal year ending September 30, 1924; and the sum of Eighty-Three Thousand, Seven Hundred and Fifty Dollars for the fiscal year ending September 30, 1925; and the sum of Eighty-Three Thousand, Seven Hundred and Fifty Dollars for the fiscal year ending September 30, 1926; and the sum of Eighty-Three Thousand, Seven Hundred and Fifty Dollars for the fiscal year ending September 30, 1927; or as much thereof as the Governor may in his discretion deem advisable or necessary, be and the same is hereby appropriated for the purpose of paying the expenses incident to carrying out the provisions authorized by this Act, and such other expenses, connected with the organization, maintenance, support, upkeep, administration, armament, training, and discipline of the National Guard of Alabama, as the Governor may deem legitimate and necessary, and such other military expenses or expenditures of a general nature as may be to the interest or benefit of the National Guard as the Governor may approve. The Governor shall make rules and regulations governing the disbursements of money under the provisions of this Act, and all expenses authorized to be contracted by him shall be certified to and verified by affidavit with itemized vouchers attached. At the end of the fiscal year the unexpended balance of the annual appropriations made by this act shall revert to the general fund of the State Treasury.

Section 42. SPECIAL APPROPRIATIONS FOR ACTIVE MILITARY SERVICE: That in addition to the monies appropriated in Section 41, there is appropriated out of the monies, not otherwise appropriated, such sum as may be necessary for pay, subsistence, shelter, travel, and other necessary expenses of troops called into the active military service of the State for

the purpose of enforcing the law, preservation of peace, for the security of lives of citizens, for relief and aid in case of disaster and for the protection of property. The disbursement of all funds appropriated by this act shall be with the approval of the Governor.

Section 43. **REVOLVING FUND:** In order to facilitate the execution of the purposes of this Act and the necessary movement of troops and property, the Adjutant General shall have authority to use a cash fund not to exceed Two Thousand Dollars to be advanced to the State Property and Disbursing Officer under the authority of the Governor to maintain and use as a revolving fund out of which expenses authorized by this Act may be paid, said revolving fund to be advanced upon approval of this Act out of any appropriation made by this Act and to be reimbursed from time to time out of the fund against which the expenditure is properly chargeable upon presentation to the Auditor of accounts, receipts and vouchers approved by the Governor showing the legal expenditure of the amount sought to be reimbursed.

Approved Sept. 6, 1923.

No. 240.)

AN ACT

(H. 574. Grove.

To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, special funds to be known as "Policemen's And Firemen's Pension And Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the Police and Fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the Police and Fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such Police and Fire Departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a Board of Pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Be it enacted by the Legislature of Alabama:

Section 1. That in all cities in the State of Alabama having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, there is hereby provided for or created, in connection with the regularly organized and paid Police and Fire Departments of the said cities, special funds to be known as "Policemen's And Firemen's Pension And Relief Funds," which shall exist and be maintained for the benefit of the persons hereinafter named, and shall be derived and raised in the manner hereinafter provided.

Section 2. Said fund shall be set apart by the comptrollers or other persons performing the duties of treasurers of the respective cities, into a separate fund, which shall be held and maintained by the respective cities, as is hereinafter provided.

Section 3. This Act shall and does create a pension and relief system which applies to the members of the Police and Fire Departments in all cities in the State of Alabama having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, as is herein set forth; and said policemen's and firemen's pension and relief fund, as provided for and created herein, shall, in addition to the means hereinafter provided, which shall not be the exclusive means, be received, obtained and created as follows: First: By setting apart and paying into such funds out of the treasury of the respective cities, same to be held by the governing body of said city, as the other city funds are held and controlled, except as hereinafter provided, an amount equal to five per cent, each month, of the aggregate amount of all fines and moneys, except cost of court, paid as the result of prosecutions for the violations of ordinances or laws of the respective cities, meaning thereby, that five per cent of the gross amount so received shall monthly be set apart in the said funds, same to commence to operate with the first day of the month next after this Act has become a law. Second: By the payment into such funds by the proper authority of the respective cities, monthly, an amount equal to one percentum of the monthly salary of every member of the police and fire departments in the respective cities, which one percentum shall be held and deducted by the proper authority from the monthly salaries of said members of such departments. Third: By that portion of the assessment that may be added as cost of court in connection with prosecutions for violations of the ordinances of the respective cities, as may be provided by the governing authorities of said respective cities, provided that the assessment of cost for this purpose shall not exceed three dollars. Fourth: Shall such fund at any time be insufficient to pay and defray

the expenses, as provided in this Act, the Board of Commissioners, or other governing body of the respective cities, may appropriate from any funds, not otherwise appropriated, a sufficient amount to make up such deficit, and may in its budget, subsequent thereto, provide for a sufficient amount to make up such anticipated deficit in said funds.

Section 4. An amount equal to five per centum of the gross receipts from all fines and moneys, except court costs, paid into the city treasury as a result of convictions or prosecutions for violations of the ordinances of the respective cities, shall be paid into such separate fund, and each and every such payment of fines and moneys is hereby charged with this amount and appropriation of five per cent,—same to commence, as hereinbefore provided. In addition, there shall, by the Comptroller or other persons performing the duties of Treasurer of the respective cities, be deducted one per centum from the monthly salary of each member of such police and fire departments, which shall also be paid into such separate fund.

Section 5. Moneys may be given or donated to said fund by any person, firm, association or corporation for the uses and purposes for which said fund is created, and said Board of Commissioners or other governing body of the respective cities may take by gift, grant, devise or bequest, any money, personal property, real estate or any interest therein or any right of property for the benefit of such fund; and such gift, grant, devise, or bequest may be absolute or in fee-simple or upon condition that only the rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created.

Section 6. Each fire insurance company doing business in such city or cities shall, on or before the first day of February of each year, pay into said pension and relief fund, a sum equal to one half of one per centum of the gross premiums, less returned premiums, received by such fire insurance companies, or their agents doing business in the respective cities for and on account of business done by it in such city during the preceding year; provided, however, the money that should have been turned over to the firemen's pension and relief fund, as provided in Section 8 of the General Acts of the Legislature of 1915, on page 902 thereof, which act was approved September 28th, 1915, shall be at once turned over to the fund created under the provisions of this act, and thereafter instead of paying said funds into the firemen's pension and relief fund, as defined by the said Acts of Legislature of 1915, as herein mentioned, the said payments shall be made to the fund created in this Act, provided, however, that when said insurance companies pay to the municipalities, herein referred to, as license for doing business in said cities, a sum equal to four per cent of its net premiums, the said companies shall not be required to pay the amount herein provided to said pension and relief fund.

Section 7. The Board of City Commissioners, or other governing body of the respective cities, are hereby authorized and empowered to set apart for, and pay into, the said firemen's pension and relief fund not exceeding one per centum of all revenues collected and received by such city from licenses issued by such city, provided, however, that this section shall not be compulsory.

Section 8. That as to such fund so created, after same has come into being and is established, the governing bodies of the respective cities shall direct its placement with banks, so that same may draw interest upon any part not used. Said governing body is authorized to invest such part of same as is not necessarily in use, in United States Bonds, State of Alabama bonds, Municipal bonds, and County Bonds, only, and all securities, funds and moneys so created shall be maintained and kept separate and apart in such special fund set aside from other moneys and securities of the respective cities, so that the same shall, at all times, be subject to instant use.

Section 9. Every member of such police and fire departments, including officers, detectives, patrolmen, wardens, firemen, engineers, captains, chief engineer, chief of the fire department, chief of the police department, and assistants chief of the fire department of the respective cities, shall come under the provisions and benefits of this Act, but no member of the Board of Commissioners or other governing body of the respective cities shall be entitled to the benefits of this Act.

Section 10. The Board of Commissioners, or other governing body of the respective cities governed by the provisions of this Act shall hear and decide all applications for pensions and relief under this Act, and the decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by such authority itself. Said Board or governing body shall cause to be kept a complete and separate record of all its meetings and proceedings under the provisions of this Act.

Section 11. That all warrants drawn against such funds shall be signed as are other warrants signed and executed by authorized authorities of the respective cities. However, such warrants shall be different in color, or otherwise, so as to distinguish them from other city warrants, and shall be kept separate and apart from other warrants drawn by said city. No portion of said policemen's and firemen's pension and relief funds shall, before or after its order for distribution, be seized or held or in any wise subject to garnishment or levy of execution or attachment issued out of or by any court of this State, or any other State, so far as same may be sought to respond to the payment or satisfaction of any debt, damage, demand, claim,

judgment or decree against any beneficiary in such funds, but shall be exempt therefrom.

Section 12. That if any member of such Police or Fire Department, while in the performance of his duties, becomes and be found to be temporarily totally disabled, mentally or physically, for services in such police or fire departments, by reason of service therein, the Board of Commissioners or other governing body of said city or cities shall order the payment, and there shall be paid from the proper fund, herein provided for to such disabled member, an amount equal to fifty per centum of his monthly salary, not exceeding one hundred dollars per month, during such total disability, which payment shall be made monthly and for a period not longer than one year; and such disability shall be arrived at by such authority, after report from the city physician, and such other physicians and surgeons as such authority may examine, and after the consideration of any other evidence, such authority may desire to consider; this, provided such member, during the same period, is paid no salary as a member of the police or fire department or any other department of the city.

Section 13. That if any member of such police or fire department, while in the performance of his duty, becomes or be found to be physically or mentally permanently disabled for service in such police or fire departments, by reason of service therein, so as to render his retirement from such service necessary, the Board of Commissioners or other governing body of said city shall make necessary orders, and shall retire such disabled members from service in such police or fire department; and upon such retirement, such member shall be paid monthly, from such funds, an amount equal to fifty per centum of his monthly salary, in no event to exceed one hundred dollars per month, the payments to be made during such disability. Such members may be called back and examined at any time under the orders of such authority, any may be ordered back to active service, or to perform other services in connection with the city, such as he is able to perform, according to the instructions, findings and orders of such authority referred to.

Section 14. That any member of such police or fire department who has been in the service thereof for as long as twenty consecutive years and shall have attained the age of fifty-five years, upon making written application to the Board of Commissioners or other governing body in the respective cities, therefor, shall, without medical examination or disability, be retired from service in such police or fire department; and, upon such retirement, the said Board of Commissioners or other governing body of said city shall direct the payment to such retired member monthly from such fund, a sum equal to one-

half of the monthly compensation or salary received by such member as salary in such fire or police department at the time of his retirement.

Section 15. That any member of such police or fire department who has been in the service thereof for as long as twenty-five years, the last ten years of which have been continuous, and shall have attained the age of fifty-five years upon making written application to the Board of Commissioners or other governing body of the respective cities therefor, shall, without medical examination or disability, be retired from service of such fire or police department, and upon such retirement, the said board shall direct the payment to such retiring member, monthly from such fund, a sum equal to one-half of the monthly compensation received by such member as salary in such fire or police department at the time of his retirement. In computing the length of service of any member of such fire or police department who is an applicant for pension under the provisions of this section, such applicant shall not be allowed credit for service unless the last ten years of same shall have been continuous, and unless the other fifteen years for which such applicant seeks credit shall have been in terms of not less than five continuous years.

Section 16. That whenever an active or retired member of such police or fire department shall die while in the employ of the city as a policeman or fireman, there shall be appropriated and paid from said funds a sum not less than seventy-five, nor more than one hundred dollars, for funeral and burial expenses of such deceased member, which sum shall be used for such funeral and burial expenses, and paid out upon order and direction of the Chief of Police, if the person dying is a member of the police department, or the Chief of the Fire Department, if the person dying is a member of the fire department.

Section 17. In all matters involving the disability or sickness of members of such police or fire department, the Board of Commissioners, or other governing body of the respective cities, shall have such disabled member, and if it sees fit, such sick member, examined by the city physician, and such other reputable physicians or surgeons as it may select, who shall report to such authority the result of such examination or examinations in writing, and it is hereby made the duty of such city physician, when requested so to do by such authority, to make such examination and to report thereon as aforesaid. And any member of such police or fire department who refuses to allow such examinations as may be by such physicians, or the authority referred to in this section, deemed necessary, shall during the continuance of such refusal be debarred from receiving any benefits whatever under this Act.

Section 18. The provisions of this Act shall apply and be effective, and members of the police and fire departments who

shall receive the benefits of this Act, shall receive such benefits, only so long as such members receiving or entitled to same shall be bona fide residents of the respective counties in which they resided at the time they were placed on the pension list, unless the Board of Commissioners, or other governing body of the respective cities shall grant permission for the person entitled to said pension to move away from the said county.

Section 19. While the creation of the fund has been specifically provided for in this Act, nothing herein shall in anywise be construed or meant to prevent gifts, donations, legacies, or otherwise, to be made to such funds, and trustees for the purpose of receiving same, and for the purpose of holding any property or performing any duty in connection with the pension and relief funds herein provided for and established, may, at any time, be named, designated and appointed by the governing body of the respective cities, and under such restrictions, rules and regulations as may be provided for by such governing body, provided no salary shall be paid to any person acting as such trustee.

Section 20. Should the pension and relief funds at any time be insufficient or inadequate to pay pensions to those properly entitled to receive same, the person or persons so entitled thereto shall not file any suit against the City, but the Board of Commissioners or other governing authority thereof, shall have absolute discretion as to what portion of the pension shall be paid, and when there are several persons entitled to pensions, and the funds are insufficient to pay them in full, the Board of Commissioners or other governing body thereof, may prorate the amount they have in such funds to the respective claimants. However, at no time shall the payments exceed the limits fixed in this Act.

Section 21. That in all matters involving the disability or sickness of such member of the police or fire department, the said board shall have such disabled member, and, if it sees fit, such sick member, examined by the city physician, or such other reputable physician or surgeon as may be selected by it, who shall report in writing to such board the result of such examination: and it is hereby made the duty of such city physician, when requested so to do by the said board, to make such examinations and to report thereon as aforesaid.

Section 22. That there shall be kept by the secretary of the board of city commissioners or other governing body of the respective cities, a book to be known as a list of retired policemen and firemen. Such book shall also give a full and complete history and record of the action of the said board in retiring any and all persons under this act showing the names, date of entering service in such police or fire departments, periods of em-

ployment, date of retirement and the reason for such retirement, if any.

Section 23. That it shall be the duty of the City Attorney of the respective cities to give advice to the said board of Commissioners or other governing body of the respective cities, and to the Members of the Pension Board, if one is created, in all matters pertaining to the duties of the said board, and the management of such fund, whenever requested to do so, and he shall represent and defend the said board as its attorney in all suits and actions at law or in equity that may be brought against it, and during all suits and actions in its behalf that may be required or determined upon by said board; and the said board shall have the authority to employ such other counsel as it may see fit, in such matters and to pay out of such fund reasonable attorney's fees to such counsel as it may employ as aforesaid.

Section 24. That each Fire Insurance Company doing business in the cities governed by this act shall file with the respective boards of commissioners or other governing bodies of the respective cities, on or before the first day of February of each year, a statement or report in writing, showing the gross amount of premiums less returned premiums, received by such fire insurance company for and on account of business done by it in such city during the preceding year; which such statement or report shall be sworn to by the agent of such fire insurance company in such city, or some other person having knowledge of the facts; and any such fire insurance company failing to make and file such report and statement as aforesaid, shall forfeit to the said Policemen's and Firemen's Pension and Relief Fund, the sum of one thousand dollars, to be recovered against such Fire Insurance Company so violating the provisions hereof, or its agents, by suit brought in the name of the city wherein default is made, and all such forfeitures and penalties shall be and become a part of said Policemen's and Firemen's Pension and Relief Fund.

Section 25. The board of commissioners or other governing body of the respective cities may create a board to carry out the provisions of this act, which board shall be known as "The Board of Pensions" and shall consist of five reputable persons who shall be bona fide residents of the same city as are the members of the board of Commissioners, or other governing body appointing them. The members of such board of pensions shall be over the age of twenty-one years, and shall hold office for six years, but may be subject to removal for good cause, at any time, by the body appointing them. Whenever a board of pensions is created under the provisions of this act said board shall have the same ministerial power as herein conferred on the board of commissioners or other governing bodies of the respective cities so appointing such board, and the duties of the persons herein

named shall be the same, whether or not a board of pensions is created. However, should any suit be brought on behalf of any city under the provisions of this Act, it shall be brought in the name of the city so concerned, and not in the name of the board of pensions.

Section 26. Any member of the police or fire department of the respective cities governed by this Act, may elect at any time not to come within the provisions of this Act, and should he so elect not to come within the provisions hereof, no part of his salary shall be deducted for the pension and relief fund. His election must be in writing, signed by him, and filed with the board of commissioners or other governing body of the respective cities, or the board of pensions, if one is in existence. Thereafter, he shall not be allowed to come within the provisions or be entitled to the benefits of this Act, unless he first makes application to the body in charge of the pension fund, or board of commissioners if no pension board is functioning, and such board may use its discretion in the premises, but said persons shall not be credited for services in the police or fire departments for the time during which he was not bound by the provisions of this Act.

Section 27. This Act shall apply to all those now or may hereafter be in the employ of the police or fire department in the respective cities governed by this Act, but payment of pensions hereunder shall not commence until July 1st, 1925.

Section 28. In case of any dispute arising out of this Act or over the provisions hereof, or the interpretation of any of the provisions of this act, the decision of the board of commissioners or other governing body of the respective cities shall be final. Wherever a board of pensions has been created, an appeal may be taken from the decision of the board of pensions to the board of commissioners or other governing body of the respective cities, but no further appeal shall be taken, and in no event shall any suit be filed against the board of pensions, any of its members, the board of commissioners governing authorities of any city, or any city for the recovery of any pension or to enforce any of the provisions of this Act, and any person who files such suit shall thereby forfeit all benefits to which he may be entitled under the provisions hereof.

Section 29. That if any section or provision of this Act shall be held or declared to be unconstitutional or void it shall not affect or destroy the validity or constitutionality of any other section or provision of this Act which is not of itself void or unconstitutional.

Section 30. This Act shall take effect immediately upon its passage and approval by the Governor. "Provided, however, that this act shall never be construed nor enforced so as to au-

thorize any municipal authorities to grant any extra compensation, fee or allowance to any public officer, servant, employee or agent after service shall have been rendered nor shall it ever be construed or enforced so as to authorize payment to any person of the salary of a deceased officer beyond the date of his death, nor shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but that all funds or monies paid out or expended under and by virtue of this Act shall be paid for services to be performed or duties to be discharged in the future by the persons or officers to whom such payments are made. The governing body of any municipality within the provisions of this Act may, however, assign duties and impose services to be performed by the persons or officers for whose benefit this Act is intended and may make appropriations and payment to such persons or officers in consideration for the performance of such services or the discharge of such duties so imposed upon them.

Approved Sept. 7, 1923.

No. 242.)

(H. 736—Fite.

AN ACT.

To fix the compensation or salaries of Tax Assessors and Tax Collectors in counties of 200,000 inhabitants, or more, according to the last or any subsequent Federal census; And to require such officers to pay in to the county treasury of such county, or counties, all fees, commissions, costs or other emoluments which are now allowed by law.

Be it enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor and the Tax Collector in all counties of 200,000 inhabitants, or more, according to the last or any subsequent Federal census, shall each be entitled to be paid out of the general fund of such county, or counties, the sum of Six Thousand Dollars per annum, to be paid in equal monthly installments.

Section II. That all fees, commissions, costs or other emoluments now allowed by law to such officers shall be, by such officers, collected and paid into the general fund of such county, or counties, as other moneys belonging to the county, or counties, are now paid.

Section III. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved Sept. 7, 1923.

No. 244.)

(H. 220—Parker.

AN ACT.

To provide for the care, upkeep, custody and management of the building and grounds opposite the Capitol grounds and known as the First Whitehouse of the Confederacy, and to make appropriation therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That the building and grounds known as the First White House of the Confederacy, opposite the Capitol and now the property of the State, shall be preserved and held inviolate as a perpetual memorial to Jefferson Davis and the men and women associated with him in the organization of the Confederate Government, and as a reminder to all future generations that this great historical event, one of the most memorable in the annals of time, occurred in the City of Montgomery and State of Alabama. To this end its use shall be confined to a display of what are known as the Jefferson Davis Relics, and such other relics of the Confederacy as may be gathered from time to time, provided vacant space not so in use may be occupied by such State officials as the Governor may from time to time direct.

Section 2. That the care and upkeep of the building as a building shall be a part of the duties of the Secretary to the Governor, just as is the Capitol building itself.

Section 3. That the management of the First White House of the Confederacy as an institution for the cultivation of Confederate history, the preservation of Confederate relics and a reminder for all time of how pure and great were Southern Statesmen and Southern valor, is confided to the organization known as the White House Association, through its duly accredited officers, this Association having begun the work of acquiring the building and having carried it to a successful conclusion. Their several acts shall at all times be subject to the approval of the Governor.

Section 4. That for the purposes of this Act the sum of \$1,000.00 per annum is hereby appropriated, a part of which shall be used in the employment of a custodian of the building and its contents, all to be expended by the officers of the White House Association, subject to the approval of the Governor and to be paid out in warrants by the Auditor as other public funds are disbursed.

Section 5. This Act shall take effect from and after its approval by the Governor.

Approved Sept. 7, 1923.

No. 245.)

AN ACT.

(H. 519—Smith of Lee.

To amend An Act entitled "An Act to provide a manner of selling all of the property of a private Corporation," Approved April 21st, 1911.

Be it enacted by the Legislature of Alabama.

That An Act entitled "An Act to provide a manner of selling all of the property of a private Corporation," approved April

21st 1911, be and the same is hereby amended so that the same shall read as follows, to-wit:

Section 1. *Be it enacted by the Legislature of Alabama,* That the entire property of a private Corporation may be sold, exchanged or bartered for other property or otherwise disposed of when authorized by a vote of two-thirds of the board of directors and subsequently ratified by a vote of the holders of four-fifths in value of the capital stock of such corporation at a stockholders meeting called to consider the matter. Provided, that ten days' notice of such stockholders' meeting shall be given in writing prior thereto and that the purpose for which the meeting is called shall be stated in the notice.

Approved Sept. 6, 1923.

No. 246.)

(H. 503. Merrill.

AN ACT

To provide and regulate further appeals to the Supreme Court from interlocutory judgments, decrees and orders.

Be it enacted by the Legislature of Alabama.

Whenever the equity of a bill, complaint or petition has been tested and upheld by the Supreme Court on an appeal from any interlocutory order, judgment or decree, no other appeal can be taken from any subsequent interlocutory order, judgment or decree; but the rulings of the trial court on any such interlocutory orders, judgments or decrees may be reviewed by the Supreme Court on appeal from the final judgment or decree.

Approved Sept. 7, 1923.

No. 247.)

(H. 49—Fanning.

AN ACT.

To further provide for and regulate the payment of pensions to Confederate Soldiers and Sailors and their widows, and to make necessary appropriation therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act, all pensioners placed on the pension rolls of this State shall have been at the time of filing their applications for a pension bona fide resident citizens of this state for five years.

Section 2. That hereafter there shall be no limitation as to

possession or ownership of property precluding the placing of the name of such applicant on the pension roll, nor shall the income or salary of an applicant affect in any way the right of such applicant to be placed on the pension roll.

Section 3. That beginning with October Quarter 1923, there shall be paid quarterly to each pensioner in Class A, the sum of seventy-five dollars (\$75.00) for each quarter; to each pensioner of Class 1, the sum of twenty seven dollars and fifty cents (\$27.50) for each quarter; to each pensioner of Class 2, the sum of twenty two dollars and fifty cents (\$22.50) for each quarter; to each pensioner in Class 3, the sum of eighteen dollars and fifty cents (\$18.50) for each quarter. Such payments shall be made by warrant issued by the State Auditor and bearing date of January 1st, April 1st, July 1st, and October 1st of the year in which said warrants are issued. That no widow of any Ex-Confederate Soldier of the Army or Navy shall be entitled to the benefits of the provisions of this Act who shall have married since the year 1903.

Section 4. That the secretary of the pension commission shall receive a salary of eighteen hundred dollars (\$1800.00) per annum, payable as the salaries of other departmental employees are paid.

Section 5. That the Clerk and stenographer in the pension department shall receive a salary of twelve hundred dollars (\$1200.00) per annum payable monthly as the salaries of other departmental employees are paid.

Section 6. There is hereby continuously appropriated from the general funds of the State a sufficient sum, which in conjunction with the moneys derived to the one mill pension fund, shall in total amount not exceed the sum of one million seven hundred and fifty thousand dollars (\$1,750,000.00) per annum or so much thereof as may be necessary to carry out the provisions of this Act.

Section 8. That all laws and parts of laws in conflict with the provisions of this Act are repealed.

Approved Sept. 6, 1923.

No. 248.)

(H. 659. Goodwyn.

AN ACT.

To amend the title, and Sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three of an Act entitled: "An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers

of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities," approved February 19, 1919, found in the General Acts of Alabama, 1919, pages 155 to 163, inclusive.

Be it enacted by the Legislature of Alabama:

That the title of an Act entitled: "An Act To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation, and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities," be amended so as to read as follows: "An Act To regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty-eight thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts, and the terms thereof; to provide for the judges and officers of such courts, and their powers, duties and compensation; and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering, and a lien of its judgments; and to abolish justices of the peace in such cities."

Be it enacted by the Legislature of Alabama:

That Sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three be amended so as to read as follows:

Section 1. That Section 1 of said Act be and the same is hereby amended so as to read as follows: Section 1. That in all cities of the State of Alabama, having according to the last or any subsequent Federal census, as many as thirty-five thousand and less than fifty-eight thousand population, the offices of justices of the peace of precincts lying within or partly within such cities are hereby abolished; and the jurisdiction exercised by such justices of the peace is hereby conferred upon the inferior courts or courts of common pleas, or by whatsoever name the same is known and called, created in lieu of the justices of the peace; which courts have been heretofore established in such cities, whether with or without a jury, and whether a court of record or not.

Section 2. That Section 4 of said Act be and the same is hereby amended so as to read as follows: Section 4. That judges of such court, or courts shall have and exercise concurrently with the probate judge in said county and according to the same forms of procedure jurisdiction of proceedings for habeas corpus as may be provided for other courts in such proceedings.

Section 3. That Section 6 of said Act be and the same is hereby amended so as to read as follows: Section 6. The judge of such court shall receive a salary of four thousand dollars per annum, payable monthly out of the treasury of said county, upon warrants drawn upon the county treasury.

Section 4. That Section 7 of said Act and the same is hereby amended so as to read as follows: Section 7. The judge of such court shall appoint a clerk who shall hold office at the pleasure of such judge, and who shall give bond in the penal sum of two thousand dollars, approved by such judge, payable to the said county in which the city for which said court is established is situated, and conditioned to faithfully discharge the duties of his office, which bond shall be filed in the office of the judge of probate of said county; and said bond shall also be conditioned to pay over all moneys to the proper officers and persons to whom it is payable, and to faithfully account for all moneys coming into his hands by virtue of his office; the said clerk of said court shall receive a salary of twenty-four hundred dollars per annum, payable in monthly installments out of the treasury of said county, by warrants drawn upon the certificate of such judge that such clerk has performed the duties of his office for such month; and he shall not receive any fees whatever. The said clerk of such court shall have authority to administer and take affidavits in all cases in which oaths and affidavits are required by law, and to issue all processes issuing out of such court, including warrants, summons for witnesses, commitments, and releases of such court, and any and all processes necessary for the conduct of the business of such court, and to approve all bonds in civil cases. Said clerk shall keep the dockets and records of such courts in all civil and criminal cases, and shall certify all appeals, certiorari and transcripts; but all orders of such court shall be signed by the judge thereof. In addition to the powers conferred upon said clerk herein, he shall have all of the powers and authority ministerial and judicial now or hereafter vested in the clerks of the circuit courts.

Section 5. That Section 8 of said Act be and the same is hereby amended so as to read as follows: Section 8. The judge of such court may appoint a deputy clerk of such court whenever in the discretion of such judge the business of the court requires it, who shall hold office at the pleasure of the judge of such court.

Such deputy clerk shall have and exercise all of the rights, duties and powers of the clerk of such court, and he shall give a bond conditioned and payable as the bond of the clerk of such court, which bond shall be in the sum of one thousand dollars, approved by such judge, and filed in the office of the judge of probate of said county. Such deputy clerk may be male or female and shall receive a salary of twelve hundred dollars per annum, payable in monthly installments out of the treasury of said county, upon the certificate of the judge of such court that he has performed the duties of his office for such time.

Section 6. That Section 9 of said Act be and the same is hereby amended so as to read as follows: Section 9. The judge of such court shall have the power to issue a restraining, or other proper or appropriate order to any justice of the peace who assumes to exercise any of the exclusive jurisdiction of such court; and any such justice of the peace may be required to show cause before the judge of such court why he should not be punished for contempt or disobedience of such order, and may punish for such contempt.

Section 7. That Section 18 of said Act be and the same is hereby amended so as to read as follows: Section 18. That the solicitor of the circuit court of said county, or deputy solicitor shall be required to attend such court, and shall be the prosecuting officer therein; and shall, also, represent the State in all habeas corpus proceedings and preliminary trials for felony in such court. For every conviction of a misdemeanor in such court there shall be taxed and collected as part of the costs in each case the same solicitor's fee provided for convictions in such cases in the circuit courts of the State; provided, however, in the event of a conviction on appeal only one solicitor's fee shall be taxed and collected which fee shall be taxed and collected in the circuit court.

Section 8. That Section 27 of said Act be and the same is hereby amended so as to read as follows: Section 27. That the fees and costs that are now or may be hereafter allowed by law in justices of the peace courts of the State in civil cases, shall be taxed and collected in such cases in such court, as provided by law for taxing and collecting costs in the justices of the peace courts, and when collected shall be paid over by the clerk of such court once a month into the treasury of said county.

Section 9. That Section 30 of said Act be and the same is hereby amended so as to read as follows: Section 30. When there is but one of such courts in a county, the court shall be held in the county court house, and the court of county commissioners or boards of revenue shall provide suitable and adequate rooms for the court and its officers, and supply them with all necessary records, books, files, stationery, typewriters, or other

proper facilities for the efficient discharge and performance of the work and duties of the court and its officers.

Section 10. That Section 33 of said Act be and the same is hereby amended so as to read as follows: Section 33. That such court may at the discretion of the judge on each secular day open for business, and render judgments by default, nil dicit, or other judgments at any time after nine o'clock of each day; and for the trial of offenses coming within its jurisdiction, in all cases where the party or parties charged can not give bond and security for their appearance at the regular terms of such court, or desire an immediate trial. All processes of such court where no time is fixed therein, shall be returnable at nine thirty o'clock A. M. of the return day; provided, however, that each calendar month shall constitute a term of such court; and the judge of such court shall have the power and authority to set aside certain days during the term for the trial of civil and criminal cases; and causes may be continued for good cause shown until the next succeeding term of such court. But nothing herein contained shall be so construed as to prevent or interfere with the regular terms of such court.

Section 11. That all laws and parts of laws, either general, local or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 12. That if any section, clause or provision of this Act shall be declared to be unconstitutional, it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Section 13. This Act shall take effect immediately upon its passage and approval.

Approved Sept. 7, 1923.

No. 251.)

(H. 334. Luck.

AN ACT.

To amend Sections 1 and 2 of Article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe

the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair, and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for School purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors; and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama-Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties,

their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boy's Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Law breakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

Be it enacted by the Legislature of Alabama.

Section 1. That sections 1 and 2 of article 29 of said act mentioned in the title hereof be and the same are hereby amended so as to read as follows: Section 1. The school heretofore established at Montevallo as the "Alabama Girls' Industrial School" later known as and called "The Alabama Girls' Technical Institute" and still later known as and called "The Alabama Technical Institute and College for Women" is and shall remain a body corporate under the corporate name of "Alabama College," and by that name may sue and contract, acquire and hold real and personal property, and have and exercise all the powers of a corporation established to carry on a state educational institution of higher learning and shall succeed to all the rights, privileges, emoluments, benefits, interests, and titles heretofore at any time vested in said "Alabama Girls' Industrial School," the "Alabama Girls' Technical Institute," and "Alabama Technical Institute and College for Women," respectively.

Section 2. The Alabama Technical Institute and College for

Women, to be called hereafter the Alabama College, shall be governed by a board of trustees composed of the governor, who shall be president, ex-officio, the superintendent of education, ex-officio, one trustee from each congressional district, and, until as otherwise herein provided, two trustees from the State-at-large. Five members of the board shall constitute a quorum. The terms of office of the trustees now in office are hereby extended to the third Monday in January of the years in which, under the law heretofore in force, they expire, respectively, and until their successors are appointed and qualified respectively. Said trustees shall be arranged in three groups. Those for the first, fourth, seventh, and tenth, congressional districts shall be group 1; those for the second, fifth, and eighth congressional districts and one for the State at large to be designated by the governor, shall be group 2; those for the third, sixth, and ninth congressional districts, and the remaining one for the state-at-large, shall be group 3. Successors to those trustees in group 1, when their terms expire, shall be appointed for a term to end on the third Monday in January, 1931, and thereafter for a term of twelve years. Successors to those trustees in Group 2, when their terms expire, shall be appointed for a term to end on the third Monday in January, 1935, and thereafter for a term of twelve years. Successors to those trustees in group 3, when their terms expire, shall be appointed for a term to end on the third Monday in January, 1939, and thereafter for a term of twelve years. In case of the creation and establishment of an eleventh congressional district in the State, the trustee in group 2, from the State-at-large, shall automatically cease to be a trustee from the state-at-large and become for the remainder of his term trustee for such eleventh district and there shall remain but one trustee from the state-at-large; and, if an additional, twelfth congressional district be created and established, such remaining trustee from the state-at-large, in group 3, shall automatically become a trustee for such twelfth district, and there shall be no trustee for the state-at-large, it being deemed inadvisable, in any event to increase the numerical force of the board. No vacancy of the office of a trustee shall be occasioned by the creation of new districts or change of district lines, except as hereinbefore provided for the elimination of the State-at-large trustees; but all new appointees, except for the State-at-large, shall be, at the time of their appointment, residents of the district for which they are appointed, respectively. A vacancy in the office of trustees shall be occasioned by the change of residence of a trustee from the district from which he was appointed. All appointments of trustees shall be made by the governor with the advice and consent of the Senate. In case of a vacancy in the office of trustee, the governor shall ap-

point a successor, who shall hold office till the next meeting of the legislature, when the governor, by and with the advice and consent of the Senate, shall appoint a trustee, who shall hold office for the unexpired term. A trustee shall be ineligible to be elected by the board of trustees to any office pertaining to this institution. The trustees are entitled to receive payment of their actual expenses incurred in the discharge of their duties as such trustees.

Approved Sept. 8, 1923.

No. 252.)

AN ACT

(H. 172. Forman.

To require sheriffs and clerks of courts of record to prorate cost as collected in proportion, as each is entitled.

Be it enacted by the Legislature of Alabama:

Section 1. That hereafter should any costs be collected either by the clerk or sheriff, and there is not enough cost collected to pay the clerk and sheriff in full, the same must be prorated in proportion to the amount due each.

Section 2. That any clerk of the Circuit, County or other court of like jurisdiction, or sheriff, who violates the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

Section 3. That laws in conflict with Section one of this Act, are hereby repealed.

Approved Sept. 24, 1923.

No. 253.)

AN ACT.

(S. 337—Brooks.

To amend Section 5534 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 5534 of the Code of Alabama of 1907 be, and it is hereby amended so as to read as follows: Section 5534: Concentration and transit privileges and rates may be permitted, fixed or prescribed by the Alabama Public Service Commission. Concentration and transit privileges and rates

may be permitted, or, upon complaint or upon its own motion after due notice and hearing, may be fixed or prescribed by the Alabama Public Service Commission upon traffic that is wholly intrastate upon such basis as is just and reasonable and as will remove any unjust discrimination or undue prejudice against intrastate commerce in favor of interstate commerce, but all such privileges and rates shall be open to all shippers and consignees for a like kind of traffic under similar circumstances and conditions, and such privileges and rates shall at all times be under the supervision, regulation and control of the Alabama public service Commission.

Approved Sept. 7, 1923.

No. 254.)

(H. 738—Goodwyn.

AN ACT.

To create and establish a Board of Jury Supervisors in every county in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last federal decennial census, or any such census which may hereafter be taken; to provide that the circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all such counties shall constitute the Board of Jury Supervisors and to confer upon them all the jurisdiction and all the power and authority which is now or which may hereafter be by law vested in jury commissions in this State; to provide that they shall perform and discharge all the duties of jury commissioners without compensation, except as provided by this Act; to authorize them to elect one of their number president of such board of Jury Supervisors, and to provide that the clerk of the circuit court of all such counties shall be ex-officio clerk of such board of Jury Supervisors; to fix his salary as such clerk, the manner of its payment, and to abolish the jury commission and the clerk thereof in all such counties.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last federal decennial census, or any such census which may hereafter be taken, there is hereby created and established a Board of Jury Supervisors which shall be composed of the circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all such counties.

Section 2. That the Board of Jury Supervisors created and established in Section 1 of this Act shall have all the power, authority and jurisdiction which is now conferred by law or which may hereafter be conferred by law upon jury commissions

in this State. The members of such Board of Jury Supervisors, except as hereinafter provided, shall perform and discharge their duties without compensation.

Section 3. The circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, shall, within ten days after the approval of this Act by the Governor meet and organize as such Board of Jury Supervisors by electing one of their number President of the Board of Jury Supervisors, and shall thereupon begin the discharge of the duties imposed upon and required of them by this Act. Any three of them shall be a quorum for the transaction of any and all business.

Section 4. The clerk of the circuit court of such counties shall be ex-officio clerk of the Board of Jury Supervisors in such counties, and shall take the oath and perform all the duties now required by law of clerks of jury commissions in this State. Said clerk of the Board of Jury Supervisors shall receive for his services as such the sum of nine hundred dollars per year, payable in twelve equal monthly installments, out of the treasury of such county upon the order of the President of the Board of Jury Supervisors.

Section 5. Upon the organization of the judges of the circuit court, the judge of probate, the sheriff, and the clerk of the circuit court as the Board of Jury Supervisors, the persons now acting as jury commissioners in said counties shall deliver to the Board of Jury Supervisors the jury roll, all books, papers, cards, and other records of such present jury commission.

Section 6. That the jury commission, and the clerk thereof, in all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last federal decennial census, or any such census which may hereafter be taken, be and such jury commission and the clerk thereof are hereby abolished.

Section 7. All laws and parts of laws, general, local or special, in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 8. This Act shall take effect upon its approval by the Governor.

Approved Sept. 6. 1923.

No. 255.)

(H. J. R. 185—Hatter.

HOUSE JOINT RESOLUTION.

For the observance of the 14th day of December of each year as "Alabama Day."

WHEREAS, our glorious State of Alabama and her rich, uparalleled and inexhaustible resources of wealth are now attracting National if not World-wide attention and interest, and

WHEREAS, it is the part of wisdom and prudence that our young, as well as our adult population should be kept keenly alive and well-informed in regard to these marvelous resources as well as to the past glories and achievements of our Commonwealth and her citizens,

THEREFORE, BE IT RESOLVED that the Governor of Alabama shall each and every year hereafter issue on December 1st, or on some other suitable day, an official and executive proclamation for a state-wide and patriotic observance of the 14th day of December as "Alabama Day." Provided, it shall not be a Legal Holiday.

Approved Sept. 7, 1923.

No. 256.)

(H. J. R. 112—Long.

HOUSE JOINT RESOLUTION.

WHEREAS, three clerks that were authorized under the report of the Joint Committee raised under the provisions of S. J. R. No. 86 to investigate and report on the clerical employees of the Legislature have been at work since July 10th, 1923, and

WHEREAS, said report of the Joint Committee was not adopted by the House and Senate until the Second day of August, 1923, and

WHEREAS, the said three clerks have not been paid for the services rendered by them from the 10th. day of July, 1923, to and including the 1st. day of August, 1923;

NOW THEREFORE: BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that said three clerks shall be paid for their services from the 10th. day of July, 1923, to and including the 1st. day of August, 1923, the same per diem as they are authorized by law to receive and that the proper certificate for payment for such services shall be given them by the officers of the House of Representatives.

Approved Sept. 7, 1923.

SENATE JOINT RESOLUTION.

WHEREAS, several hundred officers of the United States navy, from the South, resigned from the service in 1861 to cast their fortunes with their Native States, the resignations of the following one hundred and thirty-six were not accepted: CAPTAINS: French Forrest, Franklin Buchanan, Samuel Barron, George N. Hollins, COMMANDERS: William T. Muse, Robert G. Robb, Archibald B. Fairfax, Richard L. Page, Arthur Sinclair, John R. Tucker, William McBlair, Thomas R. Rootes, Chas. E. McIntosh, Sidney Smith Lee, Thomas L. Page, Thomas T. Hunter, Matthews F. Maury, John K. Mitchell, Chas. H. A. Kennedy, LIEUTENANTS: John Taylor Wood, Chas. M. Fauntleroy, George T. Sinclair, Robert B. Pegram, Washington Gwathmey, James H. Rochelle, William Sharp, Chas. F. Spottswood, Carter B. Poindexter, John S. Maury, John V. Bennett, Harry H. Lewis, John Wilkinson, William H. Parker, William L. Powell, John M. Brooks, Peter U. Murphey, Williams H. Mendaugh, Edward L. Winder, Charles C. Simms, Robert D. Minor, Oscar G. Johnston, Hunter Davidson, Isaac N. Brown, Silas Bent, J. Pembroke Jones, Joseph N. Barney, David P. McCorkle, Charles W. Hays, Alphonse Barbot, Van R. Morgan, Hamilton H. Dalton, George S. Shryock, Joseph W. Alexander, Francis E. Sheppard, John J. Guthrie, William H. Ward, Thomas K. Porter, Wm. P. A. Campbell, Henry K. Stevens, B. P. Lovall, Walter R. Butt, Julian Myers, Alex M. DeBree, Dulaney A. Forrest, William T. Glassell, Nicholas H. Van Zandt, John H. Parker, James Iredell Waddell. SURGEONS: Lewis W. Minor, Wm. B. Sinclair, Randolph F. Mason, James F. Harrison, William H. Page, Daniels S. Green, Richard W. Jeffrey, PASSED ASSISTANT SURGEONS: Charles W. Williams, H. W. M. Washington, J. W. B. Greenhow, ASSISTANT SURGEON: Joseph Grafton, Fred Van Bibber, Algernon S. Garnett, Bennett W. Green, John W. Sanford, Robert J. Freeman, Marcellus P. Christian, James E. Lindsey, James W. Herty, O. S. Iglehart; PAYMASTERS: George W. Clark, John DeBree, John Johnson, Richard T. Allison, James E. Harwood, Felix Senac, Thomas E. Ware, James A. Semple, MIDSHIPMEN: Edward G. Read, Thomas L. Dornin, James L. Hoole, Francis L. Hodge, Samuel W. Averett, James L. Taylor, George A. Borchert, Thomas L. Harrison, Henry D. Claiborne, Hilary Cenas, Arthur D. Wharton, CHIEF ENGINEERS: Michael Quinn, Wm. P. Williamson, Thomas A. Jackson, James H. Warner, 1st ASST. ENGINEERS: Edward W. Manning, Henry A. Ramsey, Virginus Freeman, George W. City, 2nd ASST. ENGINEERS: John W.

Tynan, Marshall P. Jordan, 3rd ASST. ENGINEERS: Henry X. Wright, John T. Tucker, Chas. W. Jordan, Edward L. Dick, Benjamin Herring, Henry Fagan, BOATSWAIN, Chas. H. Hasker, GUNNERS: Chas. B. Oliver, John W. Lovett, MARINE CORPS: Major Henry B. Tyler, Brevet Major, G. H. Terrett, CAPTAINS John C. Rish, Algernon S. Taylor, Robert Tansill, John D. Sims, 1st LIEUTENANTS: Israel Green, Julius E. Meiere, J. R. F. Tatnall, Thomas S. Wilson, and,

WHEREAS, the records of the Navy Department of the United States Navy at Washington record them as 'dismissed' while others are recorded as 'resigned', and

WHEREAS, the heroism of these men during the war between the States is an American heritage and may be the pride of every American citizen, and

WHEREAS, the sons and grandsons of these "dismissed sailors" fought the battles of our Country in the Spanish American and the late World War, and are denied the privilege of joining patriotic organizations because of the stigma hanging over the memory of their brave ancestors, and

WHEREAS, Admiral A. O. Wright, Commander of the Confederate Naval Veterans has now pending a bill in the National Congress to remove this stigma:

NOW THEREFORE BE IT RESOLVED by the Senate the House concurring, that the representatives of the State of Alabama in the National Congress be requested to take the necessary steps at once to have the Navy Department at Washington accept these resignations, and thus remove the stigma of "Dismissal" which has hung over them for this long period of years.

Approved Sept. 12, 1923.

No. 258.)

(S. J. R. 134. Foster.

SENATE JOINT RESOLUTION.

BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that:

WHEREAS, it is the sense of the Legislature of Alabama that the water power resources of Alabama constitute one of the State's greatest, most valuable and most enduring assets, and it is of vital interest to our people that these resources be developed according to a wise, well-considered and comprehensive plan that will assure the people that such resources will be developed in such manner, and the people's interest therein will be so safe-guarded that the value of this great asset shall be properly conserved for the lasting benefit of the State; and,

WHEREAS, The National Government under the provisions of the Federal Constitution giving it control over navigable streams in the matter of navigation, has assumed certain jurisdiction over the development of water-power upon such navigable streams and upon such non-navigable streams as directly and materially contribute to or affect the flow of navigable streams; and,

WHEREAS, The Federal Government has already undertaken to make a survey of a large part of such streams, in Alabama, with special reference to the water-power possibilities thereof; and,

WHEREAS, In our judgment it is necessary to enable both our State in its proper sphere, and the Federal Government in its proper sphere, to guide, direct and properly control such development so that the public interest shall best be conserved, that a complete survey be made of all such streams over which the Federal Government by its agencies has assumed such jurisdiction, in Alabama, with respect to the location and availability of all such power sites thereon, of material consequence, together with the estimated horse-power that can probably be developed thereat, and all such other information which in the judgment of Congress and of the engineers in charge of such survey is material and necessary to enable the State of Alabama to out-line and establish a wise, practicable, comprehensive plan for the development of all such resources in this State; and

WHEREAS, Such resources in Alabama under existing conditions are now being developed, but in a piecemeal fashion, and it is of the utmost importance that the survey herein requested be made as soon as possible;

NOW, THEREFORE, BE IT RESOLVED: That we, the Senate and House of Representatives of Alabama in regular session assembled, do hereby memorialize and respectfully urge the Congress of the United States to make provision, at its next session, for an extension of such survey work to be made at the earliest date practicable, so as to include all such streams in Alabama; and,

We further memorialize and urge the Senators and Representatives from Alabama in the Congress of the United States to take, as soon as possible, such steps as are necessary and proper to bring this matter before Congress and to obtain such action by Congress as is necessary to effect the survey herein mentioned;

That a copy of this Resolution be promptly furnished, after its passage and approval, to each of the Senators and Representatives in Congress from Alabama.

Approved Sept. 12, 1923.

No. 259.)

(S. 397. Inzer.

AN ACT

To amend Section 5652 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That Section 5652 of the Code of Alabama of 1907 which reads as follows: "5652. (3491, 3494) (1130, 1133) Tariffs, Rates, Depots Regulated By Commission.—The railroad commission, subject at all times to the control of the legislature, may regulate railroad, freight and passenger tariffs, the locating and building of passenger and freight depots, correct abuses, prevent unjust discrimination and extortion, and require reasonable and just rates of freight and passenger tariffs," be, and the same is hereby, amended so as to read as follows: 5652. (3491, 3494) (1130, 1133) Tariffs, Rates, Depots Regulated By Commission.—The public service commission, subject at all times to the control of the legislature, may regulate railroad, freight and passenger tariffs, the locating and building of passenger and freight depots, correct abuses, prevent unjust discrimination and extortion, and require reasonable and just rates of freight and passenger tariffs. The commission may require the locating and building of new passenger and freight depots, where there are existing depots, when new depots are reasonably necessary in order to provide reasonable and adequate facilities, and where reasonable and adequate facilities cannot be afforded by improving, enlarging or remodeling an existing depot. This Act shall take effect upon its approval by the governor.

Approved Sept. 11, 1923.

No. 263.)

H. 816. Long.

AN ACT

To amend Sections ten, eleven and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22nd, 1923."

Be it enacted by the Legislature of Alabama:

Section 1. That Sections ten, eleven and eleven and one-half of an Act entitled "An Act in reference to and to further provide for the general revenue of the State of Alabama" approved August 22nd, 1923, be amended so as to read as follows:

Section 10. Every corporation organized under the laws of this State, except strictly benevolent, educational or religious corporations, shall pay annually to the State an annual franchise tax of one dollar on each one thousand dollars of its capital stock.

Section 11. That every corporation organized under the laws of any other State, nation, or territory, and doing business in this State, except strictly benevolent, educational or religious corporations, shall pay annually to the State an annual franchise tax of one dollar on each one thousand dollars of the actual amount of Capital employed in this State. In ascertaining the annual franchise tax which shall be paid by any foreign corporation doing business in this State under this section, there shall be deducted from the amount of the capital employed by such corporation in this State the aggregate amount of loans of money made by such corporations in this State, and which shall be secured by existing mortgage or mortgages to it on real estate in this State, and upon which mortgages there shall have been paid the recording privilege tax provided by law.

Section 11½: Remittance for the franchise tax required by Sections 10 and 11 shall be made to the State Tax Commission, at Montgomery, Alabama, with checks payable to the State Treasurer of Alabama. One Fifth of the franchise tax collected shall be apportioned by the State Tax Commission to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the State Auditor shall draw his warrant payable to the county treasurer of each county in such proportion, upon certificate of the State Tax Commission.

Approved Sept. 13, 1923.

No. 264.)

(H. 402. Fanning.

AN ACT

To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties, in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200.00), per annum; that said sum shall be paid out of the county treasuries of the

counties constituting said circuit; that each county of said circuit shall pay out of the general funds its pro rate of said amount based upon the assessed taxed valuation of all property of such counties, for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or county commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this Act are hereby expressly repealed.

3. That this Act shall go into effect immediately upon its approval by the Governor.

Approved Sept. 12, 1923.

No. 267.)

AN ACT

(H.190. Howard.

To amend section 7245 of the Code of Alabama 1907.

Be it enacted by the Legislature of Alabama:

That section 7245 of the Code of Alabama, of 1907, be amended so as to read as follows: 7245. The following persons are exempt from jury duty, unless by their own consent: Judges of the several courts; attorneys at law during the time they practice their profession; officers of the United States; officers of the executive department of the State government; sheriffs and their deputies; clerks of the courts and county commissioners; regularly licensed and practicing physicians or pharmacists; teachers while actually engaged in teaching; officers and regularly licensed engineers of any boat plying the waters of this state; train despatchers, railroad station agents, telegraph operators, when actually in sole charge of an office; and regularly licensed embalmers while actually engaged in their profession.

Approved Sept. 14, 1923.

No. 268.)

AN ACT

(H. 616. Fite.

To fix the compensation of the Clerk of the Probate Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Section One. *Be it enacted by the Legislature of Alabama* that the Clerk of the Probate Court in all counties of the State of Alabama having a population of more

than 200,000 according to the last or any subsequent Federal census, shall receive a salary of \$3600.00 per annum, payable in twelve equal monthly installments, as the salaries of other County Officers in such counties are paid.

Section Two. That all laws, local or general, in conflict with this act are hereby repealed.

Section Three. This Act shall go into effect immediately after its passage.

Approved Sept. 13, 1923.

No. 269.)

(H.615. Fite.

AN ACT

To provide for the appointment of a Deputy Register of the Chancery Division of the Circuit Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to fix the compensation of said Deputy Register.

Section One. *Be it enacted by the Legislature of Alabama* that the Register of the Chancery Division of the Circuit Court in all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census shall appoint a Deputy Register who shall serve at the will and pleasure of the said Register of the Chancery Division of the Circuit Court in such counties and who shall receive a salary of \$3600.00 per annum payable in twelve equal monthly installments, as the Register of the Chancery Division of the Circuit Court in such counties is paid.

Section Two. That all laws, local or general, in conflict with this Act are hereby repealed.

Section Three. This Act shall go into effect immediately after its passage.

Approved Sept. 13, 1923.

No. 272.)

(H. 838. Verner.

AN ACT

To provide for the selection of delegates to any National Party Convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States.

Be it enacted by the Legislature of Alabama:

Section 1. "That whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for the election as president of the United States and

files his declaration of such candidacy on or before January first of the year in which the nomination is to be made, which declaration shall be signed by the candidate in person and acknowledged before some officer authorized by the laws of Alabama to take acknowledgment, and which said declaration shall be filed in the office of the Secretary of the State of Alabama and with the chairman of the State Executive Committee of the political party, a primary election shall be held on the second Tuesday of March of the year in which said nomination is to be made for the expression by such political party of its preference of the candidate for such nomination. All candidates qualified under this Act shall have their name placed upon the ballot and no other name shall be placed upon the ballot. There shall be no second choice voting in such primary."

Section 2. The result of such primary election shall be ascertained, declared and certified as now required by law in the case of primary elections for the nomination of State officers.

Section 3. If, in such primary elections, a candidate who is a citizen of the State of Alabama, shall receive a plurality of the votes cast therein, he shall select the members of the State delegation to the National Convention of such party and shall certify the same to the Chairman of the State Executive Committee who shall certify the same to the National Convention of such party, and issue to each of said delegates a certificate of his due and regular selection by the party as such delegate, "provided two delegates and two alternates shall be certified from each congressional district in the State and four delegates and four alternates from the State at large, or provided further, that the number of delegates to which the State of Alabama is entitled in such National Convention may be doubled each to have one-half vote, in which case at least four shall be appointed from each Congressional district."

Approved Sept. 13, 1923.

No. 275.)

(H. 312. Mrs. Wilkins.

AN ACT

To amend the caption, and sections one, two, three, four, five, six, seven and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, and to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation and to provide for the maintenance and other expenses of such department, and to confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age," approved September 25, 1919; and section (9) of said Act as amended by an Act approved September 27, 1920.

Be it enacted by the Legislature of Alabama:

Section 1. That the caption, and sections one, two, three, four, five, six, seven, and eight of "An Act to establish a child welfare department for the State of Alabama, to prescribe its duties, functions, and powers, to provide for the appointment of an executive and other officers of such department, to define their duties, to provide for their compensation, and to provide for the maintenance and other expenses of such department, and confer on said department all the duties, powers, and authority heretofore conferred on the State Prison Inspector insofar as his duties, powers, and authority relate to children under 16 years of age," approved September 25, 1919; and section nine (9) of said Act as amended by an Act approved September 27, 1920, be and the same are hereby amended so as to read as follows: "To establish a Child Welfare Department for the State of Alabama, to prescribe its duties, functions, and powers, to provide for a commission to control said department and to outline the duties and functions of said commission, to provide for the appointment of an executive and other employees of the Child Welfare Department, to define their powers and duties, to provide for their compensation, to provide quarters, and to provide for the maintenance and other expenses of the department, to prohibit employment of paid probation officers not certificated, to require reports to the department from probate judges and judges of other courts exercising jurisdiction over dependent, neglected, and delinquent children and from executives of child-caring agencies and institutions, and to constitute the failure to make such reports a misdemeanor."

Section 2. That section one (1) of said Act be and the same is hereby amended so that section one (1) as amended shall read as follows: That, in order that the State may more effectively exercise the duty and obligation which it owes to minor children, who, for any cause, are in need of its care and protection, there is hereby created and established for the State of Alabama a Child Welfare Department, which shall be located and have its offices in the State Capitol, and which shall have and exercise the several powers, functions, and duties inherent in the State for promoting the welfare of such children.

Section 3. That section two (2) of said Act be and the same is hereby amended so that section two (2) as amended shall read as follows: That the said department shall have the power and it shall be its duty: (1) To seek out, through investigation, complaints from citizens, or otherwise, the minor children in the State who are in need of its care and protection and shall, as far as may be possible, through existing agencies, public or private, or through such other resources, aid such children to a

fair opportunity in life. (2) To make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for such state care and protection of such children and the extent of such need. (3) To study the facts and conditions so ascertained and from time to time report same to the Governor, the State Child Welfare Commission, and the Legislature, together with its conclusions and recommendations.

(4) To present the facts so ascertained to the people of the State through conferences, conventions, and addresses and through these and other means to lead in the formulation and development of a state-wide program for the more effective care of such children and for the elimination and suppression of the causes which bring about the necessity for such care.

(5) To advise with the judges and probation officers of the juvenile courts of the several counties of the State, and to aid in perfecting the organization and work of such courts. (6) To exercise the right of visitation and inspection, of all state, county, municipal, and other agencies and institutions, public or private (including maternity hospitals), receiving, placing, or caring for dependent, neglected, or delinquent minor children for the purpose of ascertaining from time to time the capacity and adequacy of the facilities offered by these agencies and institutions for the care of such children, the manner, character or way in which such children are cared for in such institutions or agencies; the children who are in such institutions, the facts showing their social status; the source of income and cost of maintenance; and the way in which such children are received into and dismissed from such institutions or agencies. Provided nothing in this bill shall be construed to confer on said child welfare department any duties or authority or powers in reference to the Alabama Insane Hospitals or Alabama Home for Mental Inferiors, the State Training School for Girls and the Alabama Boys Industrial School. (7) To license annually all institutions and agencies (including maternity hospitals) except those under state ownership and control, caring for, receiving, or placing minor children and to revoke such license for cause.

(8) To establish and maintain homes or other agencies for the care of dependent, neglected, or delinquent minor children or to contract with any approved agency or institution for the care of such children, and, also, to receive and care for dependent, neglected and delinquent minor children committed to its care, to make a careful physical examination (and, if possible, a mental examination) of every such child, to investigate in detail the personal and family history of the child and its environment, and to place such children in family homes or in approved suitable institutions operating in accordance with the provisions of this Act and to supervise such children however placed. (9) To require reports from courts and institutions,

public and private, to the extent and in the form and manner hereinafter provided. (10) To enforce the state child labor law. (11) To solicit, receive, and hold gifts, devises and bequests of money, real estate, and other things of value to be used in the support, development, and carrying on of its work. (12) To prepare biennially and submit to the Governor of the State and the State Child Welfare Commission a full and complete report of all the activities of the department, together with a financial statement of all expenditures.

Section 4. That section three (3) of said act be and the same is hereby amended so that section three (3) as amended shall read as follows: That (1) The Child Welfare Department shall be under the control of a commission consisting of the Governor, the State Superintendent of Education, the State Health Officer, ex-officio, and six persons to be appointed by the Governor whose terms of office beginning from the date of their appointment shall be respectively, two for two years, two for four years, and two for six years, the said terms of office to be designated to each appointee by the Governor in making the appointment. All succeeding appointees shall be appointed by the Governor and shall hold office for a term of six years and until their successors are appointed and qualified. (2) The said commission shall, within sixty days after the approval of this Act, and at the call of the Governor, meet at the State Capitol and proceed to organize the said department. It shall hold at the State Capitol at least one regular meeting during each year, and as many special meetings as may be necessary. At such meetings five members shall constitute a quorum. The Governor shall be the presiding officer, but in case of his absence, the commission shall have authority to elect a temporary presiding officer. If there be no director of the Child Welfare Department as hereinafter provided for the Commission may elect a secretary, protempore. (3) The director of the Child Welfare Department hereinafter provided for shall be the secretary of the Commission. (4) The members of the Commission shall receive no compensation for their services other than the amount of their traveling and other expenses, actually paid out while in attendance on the meetings of the Commission, or on the business of the department. (5) The Commission is empowered to adopt rules for its government, and for the government of the department; to elect a director of the Child Welfare Department and to provide for the selection or appointment of other employees as may be necessary and to fix their compensation; to have general control of the performance of every duty and the execution of the several powers herein conferred upon the department; to control and direct the expenditure of all appropriations which may be made for the maintenance and activities of the department; and to do and perform such other

acts and things as may be necessary to carry out the true intent and purposes of this Act. In order to carry out the purposes of this section the commission, in anticipation of the needs of the minor children which may come under the care of the department, is hereby empowered to authorize the director to make requisition for a fund for the maintenance, transportation and other care of the wards of the department. Upon the approval of the Governor, the State Auditor shall draw his warrant upon the State Treasury for the amount of the requisition so approved.

Section 5. That section four (4) of said Act be and the same is hereby amended so that section four (4) as amended shall read as follows: That (1) The department shall be under the immediate management and control of a director to be elected by the Commission to hold office at its pleasure. (2) The director shall take oath of office as other public officials, shall be commissioned in like manner, and shall devote his entire time to the work of the department.

Section 6. That section five (5) of said Act be and the same is hereby amended so that section five (5) as amended shall read as follows: That it is hereby made the duty of the judges of the juvenile courts of the several counties of the State to make on or before the tenth day of each month a report to the Child Welfare Department upon the work of the juvenile courts presided over by them; and it is hereby made the duty of the judges of the probate courts to make at the same time reports on all adoptions and on all cases of non-support and desertion handled by such courts during the preceding month. All reports required by this section shall be made upon forms furnished by the State Child Welfare Department and any such official who fails or refuses to make such reports as provided for in this section shall be guilty of a misdemeanor.

Section 7. That section six (6) of said Act be and the same is hereby amended so that section six (6) as amended shall read as follows: That it is hereby made the duty of all state, county, municipal, and other agencies and institutions, public or private (including maternity hospitals) receiving, placing, or caring for dependent, neglected or delinquent minor children. (1) To accord the department or its agents the right of entrance, privilege of inspection and access to its accounts and records of work for the purpose of ascertaining the kind and quality of work done and of obtaining a proper basis for its recommendations. The department and its agents shall advise agency and institution officers and workers in regard to approved methods of child-care, best types of housing and institutional equipment, and adequate records of agency and institutional work. The principal purpose of such visitation shall not be to present offi-

cial demands for adherences to the provisions of the law, but to offer friendly counsel on child welfare problems and to advise concerning progressive methods and the improvement of the service rendered. (2) To make such reports to the department in such manner and at such time as may be required by its rules, which reports shall furnish information as to the capacity and adequacy of the facilities possessed by said agencies and institutions to care for children; the manner, character or way in which such children are cared for by such agencies and institutions; the names, former addresses and such information as will show the social status of such children, the way in which and from whom such children are received; how and to whom dismissed; the extent and source of its income; the cost of maintenance; and such other facts as may be reasonably helpful to the state in promoting the welfare of such children in the state and in working out a general program for their care and protection. All reports required by this section shall be made upon forms furnished by the State Child Welfare Department and any superintendent, manager or person in charge of any agency or institution covered by this section who refuses or fails to make such reports or to furnish information herein provided for shall be guilty of a misdemeanor. It is hereby made the duty of circuit and county solicitors and their assistants to institute proceedings for the purpose of enforcing the provisions of this Act.

Section 8. That section seven (7) of said Act be and the same is hereby amended so that section seven (7) as amended shall read as follows: That in order to render more effective the provisions of this Act and, better to develop its objects in conserving the interests of the minor children of the State and in protecting the public against imposition and fraud, (1) The State Child Welfare Commission is empowered to prescribe reasonable minimum standards for the conduct of such agencies and institutions, public or private, (including maternity hospitals) receiving or caring for dependent, neglected or delinquent minor children and the State Child Welfare Department is hereby empowered to license such of these as conform to the standards prescribed by the Commission. All societies, agencies and institutions, public or private (including maternity hospitals), except those under State ownership and control receiving or caring for dependent, neglected or delinquent minor children shall be required to obtain annually a license from the State Child Welfare Department, provided that no agency or institution shall be licensed until the department is reasonably and satisfactorily assured of the following points: (a) The present need for the proposed agency or institution (b) The good character and intentions of the applicants. (c) That the organi-

zations shall be adequately financed to be effective. (d) That capable trained or experienced workers will be employed. (e) That the methods to be used and disposition to be made of the children served will be wise, altruistic, judicious, and in accord with the welfare of society. (f) That there is a probability of permanence in the proposed child welfare organization or institution. (2) Any superintendent, manager or agent of any agency or institution which does not hold a license issued by the State Child Welfare Department or whose license has been revoked, who solicits funds for the purposes of child care in such institutions shall be guilty of a misdemeanor provided that nothing contained in this sub-section shall apply to the solicitation of funds for a projected institution when such solicitation is confined to the membership of the organization which shall own or control the proposed institution. Any such agency or institution or any person or persons in charge of any such agency or institution which shall attempt to carry on any of the functions hereinabove set out without first having obtained a license shall be guilty of a misdemeanor. Power is conferred upon the department to cancel the license hereinabove provided for upon the failure of any such organization to comply with the standards herein prescribed or which may hereafter be prescribed by the State Child Welfare Commission.

Section 9. That section eight (8) of said Act be and the same is hereby amended so that section eight (8) as amended shall read as follows: That in order to unify and standardize probation work in the juvenile courts of this State, the State Child Welfare Commission is hereby empowered to prescribe reasonable standards of education, training and experience which must be attained by any applicant for the position of probation officer in any of the several juvenile courts of the State. That said examination shall be furnished by the State Child Welfare Commission to the officer or officers employing probation officers in any county of the State and the said officer or officers shall require any and all applicants for said position to first stand said examination so prescribed before some officer designated by the employing agency of each county before any probation officer shall be employed.

Section 10. "That Section 9 as amended by an Act approved September 29, 1920, be and the same is hereby amended so that Section 9 as hereby amended shall read as follows: That for the maintenance of the department including the payment of salaries and all expenses the sum of Fifty Thousand (\$50,000) Dollars is hereby appropriated annually."

Approved Sept. 17, 1923.

No. 278.)

(S. 342. Teasley.

AN ACT

To amend Sections 6 and 17 of an Act, "Relating to Dependent, neglected or delinquent children in all Counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy-five thousand people and not more than ninety-five thousand people according to the last Federal Census or any such census that may be taken hereafter: To declare who are dependent, neglected or delinquent children, To declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare: To create and establish in such counties Juvenile Courts and to provide for their equipment and maintenance: To create and confer upon such courts jurisdiction under the terms of this Act: To try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by Law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act: To provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children: To provide and regulate the procedure in such cases: To confer power upon such Courts to make rules and regulations: And to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation or their work, as provided for in this Act: To provide for the taking and enforcing of recognizances and bonds: And for the taking of appeals from the decisions of such Courts: To provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act: And for the appointment of an advisory board to such Court and to define the duties and powers and powers of such Court: To provide for the appointment of the Judge and other officers of such Court and to define their powers and duties: And to provide for their compensation: To declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act." Approved October 2nd, 1920.

Be it enacted by the Legislature of Alabama:

That Sections 6 and 17 of an Act, "Relating to dependent, neglected or delinquent children in all counties of Alabama, which now have, or which hereafter may have, a population of not less than Seventy five thousand people and not more than ninety five thousand people according to the last Federal Census or any such census that may be taken hereafter: to declare who are dependent, neglected or delinquent children, to declare that

such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties Juvenile Courts and to provide for their equipment and maintenance; to create and confer upon such Courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect or delinquency of children in such Counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such Court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such Courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such Court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act: and for the appointment of an Advisory Board to such Court and to define the duties and powers of such Court; to provide for the appointment of the judge and other officers of such Court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act." Approved October 2nd, 1920, be amended so as to read as follows;

Section 6. There shall be appointed by the Governor of Alabama within sixty days after the approval of this Act a judge of said Court, whose term of office shall be for four years from the date of said appointment and until his successor is appointed and qualified, said successor in each case being appointed by the Governor of Alabama, the said judge shall have been a citizen of the United States and of the said county for at least five years before his appointment, shall be learned in the law and shall not be less than twenty-seven years of age. He shall be a man of high moral character, clean life, and shall be selected

for his special fitness by reason of training, education and experience in dealing with dependent, neglected or delinquent children, as defined in this Act. During the term for which he is appointed, he may engage in other business, but must give such time and attention to the duties of the office as the needs of the said Juvenile Courts of said counties may require or demand. Said Juvenile Courts shall be considered open at all times for the transaction of all business necessary and incident to carrying out the purposes of this Act. The salary of the judge of said courts shall be two thousand dollars per annum, payable in twelve equal monthly installments out of the general fund of the counties in which said Courts are located and exercise their jurisdiction. There shall also be appointed by the Governor of Alabama a Clerk of said Courts, who shall hold office during the term of the Judge of said Courts. It shall be the duty of said clerks to keep the minutes of said Courts and all other records pertaining thereto. The clerk shall have the power and authority to do all acts and things and perform all other duties, ministerial and judicial, where there is no contest, that the judge of said courts could do or perform, except to sentence to hard labor for the county. Such clerks must before entering upon the duties of the office, take the oath directed to be taken by the officers of this State and give a bond, with surety, payable to the Judge of said Court, in such sum not exceeding three thousand dollars as he may prescribe, upon which bond such clerks shall be liable to such Judge in consequence of any act of misfeasance or malfeasance of such clerks in the duties of their office. Said bond to be approved by the Judge of said Court, filed and recorded in the office of the Judge of Probate of said County. All of the official acts of such clerks must be performed in the name of the Judge of said Court, except where there is a vacancy in that office. The salary of the clerk of said Court shall be eighteen hundred dollars per annum, payable in twelve equal monthly installments out of the general fund of the county in which said Court is located and exercise its jurisdiction. If in any matter or proceeding arising in this Court or in reference to which the judge thereof is required to exercise jurisdiction or authority or to perform duty, the Judge or Clerk is incompetent for any legal cause, or shall be absent, sick or otherwise disqualified from acting, he or his clerk must certify the fact of incompetency, absence, sickness, or disqualification to the Register of the Circuit Court, or if the Register is incompetent, to the Judge of the Circuit; and such Register or judge must, upon such certificate, appoint a disinterested person in the county, learned in the law to act as special Judge of the Juvenile Court; and such special judge in relation to such matter or proceeding shall have the jurisdiction and authority and discharge

the duties of the Judge of the Juvenile Court and the judgments, orders and decrees made or rendered by him shall be entered on the records of such Court, and shall have the force and effect and shall be subject to revision on appeal, or by other revisory remedy, of judgments, orders and decrees of such Juvenile Court or of the Judge thereof. Such special Judge shall for the time in which he serves as such special judge receive the same compensation as said regular Judge; provided that not more than \$400.00 shall be paid out of the funds of the county in any one year for the services rendered or duties performed by such special Judge or special Judges as may be appointed under the provisions of this section.

Section 17. The Judge of such Juvenile Court of such county shall appoint a chief probation officer and one deputy probation officer to carry out the spirit and intent of this Act, whose duty it shall be to act under the direction of said Court in cases arising under this Act. The chief probation officer so appointed shall receive a salary of not exceeding eighteen hundred dollars per year, and said deputy probation officer shall receive a salary of not exceeding twelve hundred dollars per year, the amount of the respective salaries to be received by said probation officers within the said limits shall be fixed and regulated as occasion may require by the Judge of the Juvenile Court, with the consent and approval of the said Advisory Board of said Court, hereinafter provided for, which said respective salaries shall be payable monthly out of the general funds of said counties. Said Judge may also, if found necessary for the adequate care and protection of the children under the jurisdiction of the Court, appoint one or more volunteer probation officers who shall serve without compensation from the county treasury, upon such condition as the Judge may prescribe for the successful operation of this Act, and such Judge may at pleasure, remove such officer or officers, salaried probation officers shall have all the powers of sheriffs and police officers anywhere within the State for the purposes of this Act, and may serve any process authorized to be served by this Act, and may make arrests in the execution of processes issued from such court. The Judge of said Court is hereby authorized and directed to seek the co-operation of any society or incorporation public, or private, having for their object the protection or aid of dependent, neglected or delinquent children, to the end that the Court may assist and be assisted in every reasonable way to give all children care and protection which will conserve the welfare of such children and the public in general. And it is hereby made the duty of every county, town or municipal officer, or department in said county, to render such assistance and co-operation within his or its jurisdiction or power to further object of this Act; and all institutions, associations and other custodial agencies in which any child

may be, coming within the provisions of this Act, are hereby required to give information to the Court of any of the said officers appointed by the Court, which said Court or officer may require to further the purposes of this Act. The Judge of said Juvenile Court, with the consent and upon the advice of the Advisory Board of said Court, hereinafter provided for, shall secure suitable quarters for the conduct of the business of said Juvenile Court, separate and apart from the Chambers used for the prosecution of adult criminals, and all equipment, rent and necessary expenses contingent to the proper carrying out of the spirit and intent of this Act, shall be, and is hereby made a valid charge against the said counties, and same shall be paid out of the general funds of the county, on voucher provided by the Judge of said Juvenile Court.

Approved Sept. 14, 1923.

No. 287.)

(S. 161. Craft.

AN ACT

To provide for and submit to the qualified electors of the State of Alabama; at an election to be held at the next General Election, after the final adjournment of the present session of the legislature at which this amendment is proposed; an amendment to the Constitution of Alabama; whereby Mobile County may levy and collect, for public school purposes, through its duly constituted governing authorities, a rate of taxation, on the property situated therein, not exceeding in the total in any one year, one-fifth ($\frac{1}{5}$) of one (1) *per centum* of the value of such property, as assessed as provided by the Constitution and Statutes now existing or hereafter enacted pursuant to the Constitution, in addition to taxes levied under and pursuant to Section 215 of the Constitution of Alabama, of 1901, and in addition to taxes levied under and pursuant to Article XIX of the said Constitution, which Article XIX was added thereto by amendment; and whereby the existing legislation intended to empower the said county to levy and collect such taxation, is validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1: That the following amendment to the Constitution of Alabama, is hereby proposed to be submitted to the qualified electors of the State of Alabama, for their consideration at an election to be held at the next General Election after the final adjournment of the present session of the legislature, at which this amendment is proposed, to-wit: The County of Mobile, through its constituted governing authorities, may levy and collect for public school purposes a rate of taxation, on the property situated therein, not exceeding in the total of any one year, one fifth ($\frac{1}{5}$) of one (1) *per centum* of the value of such property as assessed as provided by the Constitution of Ala-

bama and the statutes now or hereafter enacted pursuant to the said Constitution of Alabama, which said one-fifth ($\frac{1}{5}$) of one (1) per centum shall be in addition to taxes levied and collected under and pursuant to the authority of Section 215 of the Constitution of Alabama of 1901, and taxes levied and collected under and pursuant to Article XIX of the Constitution of Alabama of 1901 which Article XIX was added to the said Constitution by amendment; and existing laws attempting or purporting to authorize, empower and direct the said constituted authorities of the County of Mobile to levy and assess such a special tax in addition to the taxes levied and collected under and pursuant to Section 215 of the Constitution as aforesaid and taxes levied and collected under and pursuant to Article XIX of the Constitution as aforesaid, are hereby validated and confirmed.

Section 2: That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this Act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3: That at said election on the amendment proposed by this Act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of the State of Alabama: The County of Mobile, through its constituted governing authorities, may levy and collect for public school purposes, a rate of taxation, on the property situated therein, not exceeding in the total of any one year, one fifth ($\frac{1}{5}$) of one (1) *per centum* of the value of such property, as assessed as provided by the Constitution of Alabama and the statutes now or hereafter enacted pursuant to the said Constitution of Alabama, which said one-fifth ($\frac{1}{5}$) of one (1) *per centum* shall be in addition to taxes levied and collected under and pursuant to the authority of Section 215 of the Constitution of Alabama, of 1901, and taxes levied and collected under and pursuant to Article XIX of the Constitution of Alabama of 1901, which Article XIX was added to the said Constitution by amendment; and existing laws attempting or purporting to authorize, empower and direct the said constituted authorities of the County of Mobile to levy and assess such a special tax in addition to the taxes levied and collected under and pursuant to

Section 215 of the Constitution as aforesaid and taxes levied and collected under and pursuant to Article XIX of the Constitution as aforesaid, are hereby validated and confirmed." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a crossmark made by him, or under his direction, opposite the word expressing his desire.

Section 4: That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the Constitutional provisions touching amendments to the Constitution of Alabama, and the general election laws of the State of Alabama.

Section 5: That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6: The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Approved Sept. 17, 1923.

No. 288.)

(H. 356. R. E. Smith of Jefferson.

AN ACT

To provide for the appointment of bailiffs in all courts of record in all counties of the State of Alabama having a population of 200,000 or more, according to the last or any subsequent federal census, and to fix the compensation of such bailiffs and to provide for the payment of such compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That in all Counties of the State of Alabama

having a population of two hundred thousand or more according to the last or any subsequent federal census the bailiffs of all courts of record in such counties shall be appointed by the judges of such court. Each judge to appoint the bailiff or bailiffs, who act in the division of court over which such judge presides and such bailiff to serve at the pleasure of the judge.

Section 2. Each bailiff shall receive an annual salary of Eighteen Hundred Dollars (\$1,800.00) to be paid in monthly installments out of the county treasury on the warrant of the judge appointing the bailiff, in the same manner as the county officials are paid.

Section 3. When the services of such bailiffs are not required by the judge by whom they were appointed, such judge may order them to serve all civil process referred to them by the Sheriff of the County, and for such purpose they shall have the same power and authority as is now conferred by law upon deputy sheriffs in such counties.

Section 4. This Act shall take effect immediately upon its passage, and all laws and parts of laws in conflict herewith be and the same hereby are expressly repealed.

Approved Sept. 17, 1923.

No. 290.)

(H. 321. Tunstall.

AN ACT

Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers used on the public highway of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this Act shall have the meanings herein ascribed to them:

Section 2. "MOTOR VEHICLE." Every vehicle, as herein defined, which is self propelled.

Section 3. "AUTOMOBILE." Every motor vehicle, as herein defined, except motorcycles.

Section 4. "MOTORCYCLES." Every motor vehicle designed to travel on not more than three wheels in contact with the ground and not exceeding ten horse power and not exceeding the weight of five hundred pounds unloaded.

Section 5. "TRAILER." Every vehicle without motive power designed for carrying property or passengers, wholly or

partially on its own structure and for being drawn by a motor vehicle.

Section 6. "ESTABLISHED PLACE OF BUSINESS." The place actually occupied either continually or at regular periods, by a manufacturer or dealer in motor vehicles, or automobile accessories where the books and records of such manufacturer or dealer are kept and at which a large share of business of such manufacturer or dealer is transacted.

Section 7. "PERSON." Every natural person, firm or copartnership association or corporation.

Section 8. "OPERATOR." Every person who drives, operates or is in actual physical control of a motor vehicle upon the public highway.

Section 9. "CHAUFFEUR." An operator who directly or indirectly receives compensation for operating a motor vehicle on the public highways. This definition shall not be deemed to include manufacturer's agents, proprietors of garages, and dealers, salesmen, mechanics or demonstrators of motor vehicles when driving vehicles in any such capacity.

Section 10. "JITNEY BUS." A motor vehicle not operated on tracks, engaged in the business of carrying passengers for hire over, along and upon a definite or substantially fixed route, or routes, or between definite or substantially fixed terminal points, not including hotel or sight seeing buses.

Section 11. "PUBLIC HIGHWAY." Every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct or trestle laid out or erected as such by the public or dedicated or abandoned to the public, or intended or used by or for the general public, except such portions thereof as are used or prepared for use by pedestrians as sidewalks. The term "public Highway" shall apply to and include driveways upon the ground of universities colleges, schools and institutions. The term "public highway" shall not be deemed to include private driveways, roads, or places used by the owner, his guests and those having business with the owner and not intended to be otherwise used or otherwise used by the general public.

Section 11½. All licenses under this Act shall become due on October 1st of each year and delinquent on November 15th. thereafter.

Section 12. Automobiles" The following license tax or registration fee shall be charged on automobiles and motor cars kept for private use: For each automobile having a rating of less than twenty-five horse power, eleven dollars and twenty-five cents; on each automobile having a rating of twenty-five horse power and less than thirty horse power, eighteen dollars and seventy-five cents; on each automobile having a rating of thirty horse power and less than forty horse power, twenty-six

dollars and twenty-five cents on each automobile having a rating of forty horse power or more, thirty dollars. And such license shall be based on the insurable horse power of the car. For each electric automobile other than trucks, twenty dollars; for each automobile propelled by steam, twenty-five dollars. For each motorcycle, five dollars; for each motorcycle with side car attachment, seven dollars and fifty cents. Persons paying an automobile license may have the same transferred to any other person, or to any other car, provided the same is not of a greater horse power, by applying to the probate judge who issued the same, and it shall be his duty to make a record of the transfer, which shall be in writing, "provided however, That the license in this act required to be paid shall not become delinquent until after the expiration of three (3) days from the date of the purchase of any new motor vehicle."

Section 13. For each automobile or motor car used for transportation of passengers paying fare except a jitney bus, and having a seating capacity of five persons or less, thirty-seven dollars and fifty cents; for each automobile or motor car used for transportation of passengers paying fare, and having a seating capacity of more than five and less than ten persons, fifty dollars; for each automobile or motor car used for transportation of passengers paying fare and having a seating capacity of ten persons or more, ninety dollars; provided that automobiles or motor cars running between towns and cities ten miles or more apart, shall pay a license tax of sixty dollars in lieu of ninety dollars provided in this section. Each person desiring to take out a license to operate a motor vehicle for the transportation of passengers for hire, except taxicabs and touring cars hired by the hour or for special trips on terms agreed upon between the passenger and the carrier at the time of entering upon such service, shall at the time he applies for such license make out in writing a statement describing the route over which such motor vehicle shall be operated and naming the terminal points thereof, and such route shall be plainly indicated on the motor vehicle in letters of sufficient size to be read at a distance of fifty feet.

Section 14 (a) The following license tax or registration fee shall be charged for operating a jitney bus on the public highway of this State. Each jitney bus operating wholly within the corporate limits of a city of one hundred thousand inhabitants or more; or between a city of one hundred thousand inhabitants and another city of fifteen thousand inhabitants or more and not more than fifteen miles distant therefrom; or between a city of one hundred thousand inhabitants or more and an adjoining municipality or connecting municipalities, unless such bus operates regularly for at least five consecutive miles in unin-

corporated territory; three hundred dollars per annum when the seating capacity of the vehicle does not exceed five, and twenty dollars per annum for each additional seating capacity in excess of five. (b) Each jitney bus operating wholly within the corporate limits of a city of less than one hundred thousand and not more than thirty thousand inhabitants; or between a city of less than one hundred thousand but not less than thirty thousand inhabitants, and any other city or town of not less than one thousand inhabitants nor more than ten miles distant; one hundred and fifty dollars per annum when the seating capacity of the vehicle does not exceed five, and ten dollars per annum for each seating capacity in excess of five. (c) Each jitney bus operating wholly within a city of less than thirty thousand but not less than five thousand inhabitants; or between a city of less than thirty thousand but not less than five thousand inhabitants and any other city or town of not less than five hundred inhabitants and not more than ten miles distant; one hundred dollars per annum when the seating capacity of the vehicle does not exceed five; and ten dollars per annum for each additional seating capacity in excess of five. Under all other circumstances than as herein provided, the license for a jitney bus shall be the same as is provided in this act for automobiles for transportation of passengers paying fare. Provided that should any jitney bus at any time carry a greater number of passengers than its rated seating capacity, the owner shall be required to immediately pay the license herein provided for the higher seating capacity. Any person violating the provisions of this section shall be guilty of a misdemeanor. Jitney buses shall carry taxi license tags.

Section 15. Automobile Hearses or Ambulances: For each automobile hearse or ambulance operated on the highways of this State, the following license tax shall be charged: In cities of one hundred thousand inhabitants or more, fifty dollars; in cities or towns of less than one hundred thousand and more than thirty-five thousand inhabitants, thirty dollars; in cities and towns of less than thirty-five thousand, and more than ten thousand inhabitants, twenty dollars, all other places, ten dollars. Provided, however, that where no charge is made for the service of a motor vehicle used exclusively as an ambulance, a license tax shall not be required for the operation of such motor vehicle. Provided further that any person who operates an ambulance for which no charge is made for service shall apply to the State Tax Commission for a tag, which tag shall be issued upon the payment of a fee of one dollar. Automobile hearses and ambulances shall carry commercial tags.

Section 16. "Motor Trucks." For each motor truck the following license tax shall be charged: Trucks less than one ton,

fifteen dollars; trucks of one ton and less than two tons, twenty-two dollars and fifty cents; trucks of two tons and less than three tons, fifty dollars; trucks of three tons and less than four tons, one hundred dollars; trucks of four tons and less than five tons, two hundred dollars; trucks of five tons and less than six tons, four hundred dollars; trucks of six tons and less than seven tons, seven hundred and fifty dollars; trucks of seven tons and over, one thousand dollars. Provided that it shall be unlawful to operate over any of the public roads of this State any vehicle whose aggregate weight, including load, is more than ten tons, and any person violating this provision shall be guilty of a misdemeanor; provided this section does not apply to automobile trucks used exclusively for transferring children to and from school. Motor trucks or motor vehicles used by the State or county or any municipality of this State shall not be liable for the payment of this tax, but shall carry tags.

Section 17. "Trailers." The following registration fee shall be collected for operating trailers to motor vehicles on the highways of this State. For each trailer drawn by a motor vehicle, one-half of the license required for the motor vehicle drawing such trailer.

Section 18. "Motor Tractors." For each motor tractor used on the highways of this State, shall be paid a license or privilege tax of one hundred dollars. Provided, however, that this license shall not be collected for a tractor when run on a highway to be transferred from one point to another for use on a farm, or when used on the highway for transferring what is commonly known as a "portable saw mill" or a "well-boring outfit."

Section 19. (a) To prevent motor vehicles within the meaning of this Act from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, on and after the first day of October, 1923, no license shall be issued to operate a motor vehicle on the public highways of this State, nor shall any transfer be made by the probate judge as provided under this Act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the tax collector where the owner of said vehicle resides, if the vehicle is owned by an individual, and if the motor vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the tax collector in the county in which such motor vehicle is used or operated; provided that this section shall not apply to motor vehicles owned by dealers, the State, counties and municipalities. On and after the first day of October, 1923, every person, firm, or corporation who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for

ad valorem taxation to the tax assessor of the county in which he resides, for the preceding tax year, and the tax assessor of such county shall deliver to such person who makes the return as herein required a certificate of assessment on a form prescribed by the State Tax Commission, and such certificate shall be the warrant of the tax collector to collect the tax as shown thereon. (b) If any motor vehicle has already been returned for the fiscal year beginning October 1st, 1922, and ending September 30th, 1923, the tax assessor shall issue a certificate showing the valuation of such motor vehicle, and the tax collector shall collect the taxes according to such valuation, and credit same upon the collector's abstract as part payment. (c) After the first day of October, 1923, motor vehicles within the meaning of this Act, shall not be included in any assessment made by any person, firm or corporation as of the first day of October, 1923, or subsequent years; and such motor vehicles shall not be considered as escaped property by reason of failure to include same in any tax return as of the first day of October, 1923, or any subsequent year, but shall be assessed as herein provided. (d) The judge of probate upon issuing a license as herein provided shall require the applicant to surrender the receipt of the tax collector and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act. Valuation for ad valorem assessment shall be sixty percent of the fair and reasonable value of same. (e) Motor vehicles brought into this State after the first day of October and before the tax assessor has completed his assessment shall be subject to taxation the same as if it had been held or owned in the State on the first day of October. (e 1) The probate judge is authorized to issue a motor vehicle license upon a certificate of the tax assessor certifying that there is no ad valorem taxes on said motor vehicle for the preceding year. (f) The tax assessors and collectors of the several counties in this State, in addition to assessing and collecting the ad valorem taxes due the State and counties on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in this State which now have, or which may hereafter have a population of not less than thirty-five thousand people and not more than fifty thousand people according to the last Federal census or any such census which may hereafter be taken. The tax collectors shall report and pay over the money collected for said cities at the same time and in the same manner as State and county taxes are reported and paid over by him. Said tax assessors and collectors shall each receive a commission of two and one-half percent of the amount of city taxes collected; and the tax collectors shall deduct said commission from the amount collected before paying into the city treasury, and at the same

time pay over to the tax assessor commissions due him under this Act. The judge of probate shall not issue a license to operate a motor vehicle on the highways of this State until all ad valorem taxes due the said State, counties and cities are paid for the preceding year as shown by a receipt of the tax collector.

Section 20. One-half of the license herein provided for shall be paid where the motor vehicle is acquired after April first of any year, or is not used or operated between the period from October first to April first. The payment of the registration fee or license tax on motor vehicles shall be evidenced by the delivery to the party paying the same of a numbered license tag which shall be placed in a conspicuous place on the rear of the automobile or motor vehicle. It shall be a misdemeanor punishable by a fine of not exceeding twenty-five dollars for each offense to display the tag on any place other than the rear of the motor vehicle, or for operating a motor vehicle on the public highways of the State without a license tag displayed as herein provided. The State Tax Commission shall provide tags for all motor vehicles, and shall also provide receipts in triplicate, one of which shall be retained by the probate judge, and one shall be delivered to the person paying the license fee, and the third shall be mailed by the probate judge to the State Tax Commission on the day the license was issued. Every part of each receipt shall bear the same number as the tag delivered to the licensee. These receipts shall be prepared in the form to be determined by the State Tax Commission and delivered to the several probate judges along with the tags upon the requisition of the probate judge, under such rules and regulations as may be prescribed by the State Tax Commission; and the State Tax Commission shall have power to prescribe rules and regulations concerning the application for and delivery to the licensee of the tag and receipt required by this Act. Provided, however, that the automobile licensee shall be required to state in his application whether he proposes to use his automobile for private use or for commercial purposes. The tag furnished for commercial vehicles shall be of different shape and design from those used for private or pleasure cars.

Section 21. Demonstration tags:—Dealers in motor vehicles demonstrating their cars shall not be required to procure license tags from the probate judge, but before any dealer shall be permitted to operate upon the roads and streets in this State any motor vehicle for demonstration purposes, he shall apply to the State Tax Commission for dealers tags, which shall be issued, for the sum of one dollar each. Provided, however, that no more than twenty tags shall be issued to any one dealer for demonstration purposes, and such tags shall not be used on service cars, and such tags shall not be used except for the purpose

of demonstrating his own cars for sale. Should any dealer violate the provisions of this section relating to the use of demonstration tags he shall be required to pay a fine in the sum of fifty dollars for each time he makes improper use of such tag, or permits such improper use by any other person, and the State Tax Commission shall recall the tags issued to any such dealer who violates the provisions of this section. For failure to return any tags upon demand of the State Tax Commission, the dealer to whom such tags are issued shall pay a penalty of fifty dollars for each tag issued to him, which amount may be collected by suit brought in the name of the State of Alabama. License Inspectors are authorized to arrest any dealer making use of a demonstration tag except as provided in this section, and such inspector shall be allowed a fee of ten per cent of any fine or penalty imposed for violating this section by such dealer, which fee shall be paid by the dealer in addition to the fine or penalty.

Section 22. The registration fee or license tax herein required to be paid on motor vehicles shall be in lieu of all other privilege or license taxes which the State, or any county or municipality thereof might impose, where the motor vehicle is used by the owner. Provided that any county may levy and collect for the purpose of maintaining the public roads, bridges and ferries of the county a license tax not to exceed one-half of the State license tax on motor vehicles used for hauling timber, lumber or minerals over the roads of said county. Provided further that only one such license tax can be levied and collected on one and the same motor vehicle for one and the same period of time, provided further that incorporated cities and towns are hereby authorized to collect a reasonable license or privilege tax on motor vehicles used for carrying passengers or freight for hire. Nothing herein contained shall be construed so as to impose a license tax on motor vehicles owned and used by any municipal corporation or county in this State, but all such vehicles shall bear a numbered tag, which the probate judge is authorized to deliver without the payment of any fee or charge, except the sum of fifty cents to cover the cost of each tag delivered by him to such municipal corporation or county, and the proceeds of such payments shall be made to the State Treasurer without any deduction for commission by the probate judge. Cars owned by the State shall also be required to bear a numbered tag, application for which shall be made to the probate judge of Montgomery County, and said probate judge is hereby authorized and required to deliver without cost such tag and receipt upon application of the proper official.

Section 23. The money collected as motor vehicle license taxes, less all the expenses necessary or incident to the collection

of such taxes including the printing and distribution of assessment blanks, blank receipts and license blanks, shall be distributed as follows: Eighty per cent (80%) to the State and twenty per cent (20%) to the incorporated city or town in which the owner of the motor vehicle resides, and twenty per cent (20%) to the county, if the owner of the motor vehicle resides outside of an incorporated city or town. The money collected as motor vehicle license taxes by the State, less expenses, shall be used exclusively to create a sinking fund for the prompt and faithful payment of the principal and interest on good road bonds and for construction, maintenance and improvements of public highways, roads and bridges, as required under provisions of article XX of the Constitution of Alabama.

Section 24. It shall be unlawful for any person to mutilate or alter for the purpose of deception any motor vehicle tag provided by this act. It shall also be unlawful for any person to use upon his car any tag in imitation of or substitution for real tags lawfully used. It shall be the duty of all sheriffs, police officers and license inspectors to arrest persons violating these two preceding provisions, and a fine not exceeding fifty dollars may be imposed for each offense. In case the tag becomes mutilated beyond recognition the owner of the motor vehicle may file with the State Tax Commission an affidavit setting forth the fact that the tag has been lost, mutilated or destroyed, and upon the payment of one dollar, there shall be issued to him by said Commission a new tag. In case of a mutilated tag same shall be forwarded with the affidavit to the State Tax Commission and should the lost tag reappear and come into his possession, it shall be the duty of the person obtaining the new tag to immediately forward the old tag or replaced tag to the State Tax Commission. Should he or anyone else use upon any motor vehicle the old or replaced tag, he shall be fined twice the amount of the license required for motor vehicles upon which the tag is used and shall also be required to procure a license for said motor vehicle. Anyone who makes any false affidavit in obtaining a tag from the State Tax Commission shall be guilty of perjury.

Section 25. License of Chauffeurs. Application for license to operate motor vehicles as a chauffeur must be made by him to the Judge of Probate of the county of his residence upon blanks prepared under the authority of the State Tax Commission. Such application shall be accompanied by a written recommendation or endorsement of (3) reputable motor vehicle owners of the county from which the application is made, and when so accompanied it shall be the duty of the judge of probate to issue a license to such chauffeur upon the payment by such chauffeur of a fee hereinafter provided for in this section. No chauffeur license shall be issued to any person under the age of

eighteen years. To each person shall be assigned some distinguishing number or mark and the license issued shall be in such form as the State Tax Commission shall determine. It shall contain the distinguishing number or mark assigned to the licensee, his name, place of residence and address, a brief description of the licensee for the purpose of identification. Such distinctive number or mark shall be of a distinctly different color each year and in any year shall be of the same color as that of the number plates issued for that year. The judge of probate shall furnish to every chauffeur so licensed a suitable metal badge with the distinguishing number or mark assigned to him thereon without extra charge therefor. This badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating or driving a motor vehicle upon the public highway. Said badge shall be valid only during the term of the license of the chauffeur to whom it is issued as aforesaid. Every person licensed to operate motor vehicles as aforesaid shall endorse his usual signature upon the margin of the license in the space provided for the purpose, immediately upon the receipt of said license, and the application for chauffeur's license filed under the provisions of this section shall be sworn to and shall be accompanied by a fee of five dollars, which amount shall be remitted to the State Treasurer by the probate judge as other license money is remitted, and such license shall be renewed annually upon the payment of a fee of five dollars, such renewal to take effect on the first day of October of each year, provided that the provisions of this section shall not apply to an owner of a motor vehicle for private use or any member of his family or other person authorized by him and otherwise qualified under the provisions of this act; provided that such owner shall be liable for any negligent or wilful injury inflicted by any such person authorized by him, but the same shall apply to the owner of the motor vehicle for public use. It shall be the duty of the State Tax Commission to procure and distribute to the several probate judges of the State all chauffeur licenses and badges in the same manner as automobile licenses and tags are procured and distributed, and it shall be the duty of the several probate judges to issue and account for chauffeur licenses as motor vehicle licenses are issued and accounted for, under rules and regulations prescribed by the State Tax Commission. For performing his duties under this act the judge of probate shall be allowed the same fees and commissions as he is allowed for issuing licenses for operating motor vehicles and to be paid in the same manner.

Section 25-A. The State Tax Commission is hereby authorized and empowered, when it deems it necessary to do so in order that all taxable property shall be listed for taxation, to appoint a deputy tax assessor whose duty it shall be to list for assess-

ment and taxation any personal property subject to taxation in Alabama and which property is not entered on any tax return made to the county tax assessor or to the State Tax Commission. (a) Such deputy tax assessors shall hold office only at the will of and shall be governed by rules and regulations prescribed by the State Tax Commission and shall have the same power and authority as county tax assessors in the performance of their duties in the assessment of personal property which has escaped taxation. (b) The compensation of deputy tax assessors appointed under this section shall not exceed twenty per cent of the actual amount of money collected by the county tax collector on the escaped personal property listed and assessed by said deputy assessors, which compensation shall be paid by the county tax collector, upon certificate of the State Tax Commission, out of the moneys collected by such tax collector on such escaped personal property assessments, the collector shall take a receipt therefor and such receipts shall be filed with the State Auditor at the time the tax collector makes his annual settlement and the amount shown thereon shall be a credit against such escape tax as assessments charged against the collector. (c) Deputy tax assessors appointed under this section shall be required to execute a bond, payable to the State of Alabama, in an amount prescribed by the State Tax Commission, which bond shall be filed with and approved by said Commission, and conditioned to faithfully perform the duties of deputy assessor.

Section 25-b. The State Tax Commission is hereby authorized and empowered to appoint a license inspector for each county, provided that the same person may be appointed for more than one county. It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the probate judge, and if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms or corporations have failed or refused to take out licenses required by law, the license inspector shall forthwith cite such delinquent to appear before him at the courthouse of the county in which such citation is issued and show cause why the license or privilege tax required by law has not been paid and if such license is due, then the license inspector shall cause the delinquent to appear before the probate judge of the county and take out the same; but such probate judge shall not have the authority to determine the liability of such delinquent for such license, and shall in each case issue a license to the applicant therefor upon the payment by him of the amount or amounts prescribed in this Act. If such delinquent shall fail or refuse to take out license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent, before any court having jurisdiction of such offense. In case of emer-

agency the license inspector must commence the criminal proceedings in the first place. For performing the duties required by this section, the license inspectors are entitled to be paid by the delinquent, in addition to the license, fifteen per cent of the amount of the license so collected from each delinquent, which must be paid in all cases if report has been made to the judge of probate of such delinquency, and if a criminal prosecution shall be commenced either by affidavit and warrant, or information or indictment, the license inspector shall be paid fifteen per cent of the penalty thereafter prescribed in such case, all cost and penalty to be paid in money, but in all proceedings under this Act, the license due October 1st shall not be delinquent before the first day of November of each year. Provided that such license inspector shall before entering upon his duties be required to enter into a bond in a sum to be fixed by the State Tax Commission, payable to the State of Alabama, conditioned as bonds of other State officers. License inspectors are authorized to appoint deputies, and the acts of such deputies shall be recognized as his acts, and he shall be responsible for the same. Such deputies shall receive no compensation for their services out of the State or county revenue, except in cases as otherwise provided in this Act. All citations to delinquents shall be served by any lawful officer, or by the license inspector, or his deputy, who shall be allowed as a fee one dollar and fifty cents (\$1.50) for each citation served, to be taxed against the delinquent. From penalties collected the license inspector shall be paid all fees due him for services, as provided in this Act. The residue shall be paid two-thirds to the State and one-third to the county. License inspectors shall have the same power to arrest persons violating the revenue laws of the State as is now vested in the sheriffs of the State, and shall receive the same fees for such service.

Section 26. Appropriation for tags: There is hereby appropriated annually out of any money in the treasury not otherwise appropriated such sum of money as may be necessary for the purchase and delivery of the automobile tags required by this Act. All bills for the purchase and delivery of said tags shall be approved by the Chairman or two members of the State Tax Commission, and the auditor may draw his warrant against the appropriation in such sums, and from time to time as may be required, which shall be taken out of the automobile fund hereby created.

Section 27. All licenses or privilege taxes collectible by the license inspector may be recovered by suit brought by him in the name of the State. The taxes and penalties due the State and county and all fees, penalties and costs due the license inspector may be recovered in one and the same suit.

Section 28. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect any other section, clause, provision or portion of this Act which is not within itself unconstitutional.

Approved Sept. 13, 1923.

No. 292.)

(H. 590. L. K. Bowen.

AN ACT

To fix the compensation or salary of Sheriffs of the State of Alabama in counties having more than two hundred thousand population, according to the last or any succeeding federal census, and to provide for the method, basis and payment of such compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of this State having more than two hundred thousand population according to the last or any succeeding federal census, the Sheriff of any such County whose compensation is fixed on a salary basis shall receive as a salary the sum of seventy five hundred (\$7500.00) dollars per annum payable in equal monthly installments out of the county treasury, in the same way and manner as the salary of other county officers are now paid.

Section II. This bill shall take effect upon its approval by the Governor and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved Sept. 14, 1923.

No. 294.)

(S. J. R. 120. Waddell.

SENATE JOINT RESOLUTION

BE IT RESOLVED, by the Senate of the State of Alabama, the House concurring, that the bridging of navigable streams is of more than local concern, being of national moment as to travel, commerce and military defense, and that the Alabama Delegation in Congress is requested to have embodied in the next Federal Aid Act for roads, the bridging of navigable streams as a part of the basis of distribution of Federal Aid money among the several States.

Approved Sept. 18, 1923.

No. 295.)

(S. 429. Brooks.

AN ACT

To amend an Act entitled "An Act to amend Sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461, 6462, 6463, 6464, 6465 of the Code of Alabama, 1907," approved September 16, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That An Act entitled "An Act to amend Sections, 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6460, 6461,

6462, 6463, 6464, 6465, of the Code of Alabama, 1907," approved September 16, 1915, be and the same are hereby amended so as to read as follows:

Section 2. DEFINITIONS. (1) That for the purposes of this Act the words "dependent child" shall mean any child, who, while under sixteen years of age, for any reason, is destitute, homeless, or is dependent on the public for support; or whose parent or parents, for good cause, desire to be relieved of its care and custody; or who is without a parent or guardian able to provide for his support, training and education; or whose custody is the subject of controversy. (2) That for the purposes of this Act the words "neglected child" shall mean any child, who, while under sixteen years of age is abandoned by both parents, or if one parent is dead, by the survivor, or by his guardian, or custodian; or who has no proper parental care or guardianship; or whose home, by reason of neglect, cruelty, or depravity, on the part of his parent or parents, guardian or other person in whose care he may be, is an unfit or improper place for such child; or who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or articles, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing; or for whom his parent, parents, guardian or custodian, neglect or refuse, when able to do so, or when such service is offered without charge, to provide, or allow, medical, surgical, or other remedial care necessary for his health, or well-being; or whose parent, parents, guardian or custodian permits such child to engage in an occupation or calling contrary to the provisions of the child labor law of this State; or whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory attendance law of this State; or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or who is not being reared or cared for in accordance with the provisions of any law, regulation or ordinance, for the education, care and protection of children; or who for any other cause is in need of the care and protection of the State. (3) That for the purposes of this Act the words "delinquent child" shall mean any child who while under sixteen years of age violates any penal law of the United States or of this State, or any regulation, ordinance or law of any city, town or municipality, or who commits any offense or act for which he could be prosecuted in a method partaking of the nature of a criminal action or proceeding; or who is beyond the control of his parent, parents, guardian, or custo-

dian, or who is otherwise incorrigible, or who is guilty of immoral conduct; or who is leading or for any cause is in danger of leading an idle, dissolute, lewd or immoral life; or who engages in any calling, occupation or exhibition punishable by law or is found in any place for permitting which an adult may be punished by law; or who so deports himself as to endanger his health, morals, or general welfare; or any child who has been brought before any other court charged with a crime and which court has by proper order transferred said child to the juvenile court to be dealt with under the terms of this act. All such children, hereinabove described dependent, neglected or delinquent, shall be deemed wards of the State and entitled to its care and protection. The State shall exercise its right of guardianship and control over such children in the manner and form hereinafter provided. This Act shall be liberally construed in order to accomplish the beneficial purposes herein declared. (4) The word "Court" and the words "Juvenile Court" when used in this Act shall, unless otherwise qualified, mean the Probate Court of the County, sitting as the Juvenile Court, for the hearing of cases or the disposition of any matter arising under the provisions of this act. The word "Judge" or the words "Judge of the Juvenile Court" shall when used in this Act, unless otherwise qualified, mean the Judge of the Probate Court of the County, sitting as the Juvenile Court for the hearing of cases or the disposition of any matter, arising under the provisions of this act. (5) The words "him" and "his" when used in this Act with reference to children coming under the provisions of this act shall apply to boys and girls alike.

Section 3. COURTS HAVING JURISDICTION OF CHILDREN, WARDS OF THE STATE. The probate courts of the several counties of the State, except in those counties in which special courts having exclusive jurisdiction over children under 16 years of age or over and for the purposes declared in this Act have been or shall hereafter be established by special acts of the Legislature, shall have original and exclusive jurisdiction of all proceedings coming within the provisions and terms of this Act and shall have original and exclusive jurisdiction to hear, determine and adjudicate all questions and cases coming within said provisions and terms and each such court shall in the exercise of the jurisdiction herein conferred by this Act, be known as the Juvenile Court of _____ County. The

(Name of County)

Juvenile Court shall have power, under the terms of this Act, to determine the question of the dependency, neglect or delinquency of any child, and when such question is so determined and adjudicated, to declare such child to be, for the purposes of this Act, a ward of the State and to make and enter such judgment and orders for his custody, discipline, supervision, care, protec-

tion and guardianship, as, in the judgment of the court, will properly conserve and protect the welfare and best interests of such child. If it appears to the court from the evidence that any person, or persons, is, or are, in any way, contributing to the delinquency of any such child, or exerting an evil or harmful influence over any such child, the court may by an injunctive order directed against such person or persons protect such child against such influence in the way that shall seem most conducive to such end, and may prohibit all future relations between the parties; provided that nothing in this paragraph shall be so construed as to interfere with the prosecution of offenders as elsewhere provided for in this Act. Juvenile Courts shall have full power and authority to issue all other writs and processes necessary to the exercise of such jurisdiction and to the carrying out of the purposes of this Act. The judge of the court shall have power to issue writs of arrest and of habeas corpus to have brought before it children alleged to be dependent, neglected, or delinquent, as herein defined, to be dealt with by said court under the terms of this Act. The court, as to such dependent, neglected, and delinquent children, shall have and exercise the jurisdiction and power possessed by chancery courts in this state, but shall not have power to adjudicate any matter or make any order affecting any property rights of such children. Nothing contained herein shall deprive courts of general jurisdiction of the right to determine the custody of children upon writs of habeas corpus, or the right to determine the custody of children when custody is incidental to the determination of causes pending in such courts. Such courts of general jurisdiction may, however, decline to pass upon such questions of custody or to issue such writs and may certify said questions or writs to the juvenile court for hearing and determination. The court shall have the power to determine the form and character of its records and to devise and publish rules, not inconsistent with the provisions of this act nor the laws of this State, to regulate proceedings in all cases coming within the provisions of this act, and for the conduct of probation and other officers of the court. Such rules shall be enforced and construed liberally for the remedial purposes embraced herein. The court may adopt and cause to be printed for the use of the public and for the use of the court such forms as may be found necessary and convenient for use in cases arising under this act; provided, that such forms shall be approved by the State Child Welfare Department. All expenses necessary or appropriate to the carrying out of the purposes and intent of this act and all expenses of maintenance and care of wards of the court that may be incurred by order of the court in carrying out the provisions and intent of this Act, shall be valid charges and preferred claims against the county and shall be paid by the county treasurer when itemized and sworn to by the creditor or other

persons knowing the facts in the case, and approved by the judge.

Section 4. ISSUANCE AND SERVICE OF SUMMONS ON CHILD AND PARENT. The style or title of the proceedings herein provided for shall be State of Alabama, in the matter of (Inserting name of child), a child under sixteen years of age, in the Juvenile Court of County (Inserting name of county). Any person having knowledge or information that a child, residing in or who is actually within a county of this State, is within the provisions of this Act, or subject to the jurisdiction of the juvenile court, may, and any probation officer of such court having such knowledge or information shall, file with the court of said county a verified petition, setting forth the name, residence and age of the child, the name and residence of the parent or parents, if known to the petitioner, and the name and residence of the person or persons having guardianship, custody, control or supervision of such child, if such facts be known, or can be ascertained by the petitioner, or that such facts are unknown or cannot be ascertained, if that be the fact. The petition shall state the facts which bring the child within the provisions and terms of this Act, and it shall be sufficient for that purpose to aver that the child named therein is dependent, neglected, or delinquent, as the case may be, and in need of the care and protection of this State (here stating succinctly the facts which bring said child within the terms and provisions as herein defined.) The petition shall be sworn to by the petitioner, but affidavit may be made upon information and belief of the affiant. Upon the filing of the petition with the juvenile court, or upon receipt of an order of transfer from any other court, as hereinafter provided, the judge or clerk or chief probation officer of the court shall forthwith, or after causing an examination to be made by an officer or other person, cause a summons to be issued, signed by the judge or clerk of said court, requiring the child to appear before the court, and requiring the parents, guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be found, to appear with the child, at such time and place as may be stated in the summons, to show cause why the child should not be dealt with according to the provisions of this Act. Provided, however, that, if after investigation is made, the chief probation officer is of the opinion that such cause is not a meritorious one, he may decline to ask the judge or clerk for a summons, and the court may upon his motion dismiss such petition, or order a summons issued as to the court may seem just. Said summons shall set forth the charges contained in said petition, or order of transfer. If it appears from the petition that the child is violating any penal law of the United States or of this State, or any law or ordinance of any municipality for which said child could be prosecuted,

or that the child is in such condition that its welfare requires that custody be immediately assumed, the judge of the court may indorse upon the summons a direction that the officer serving said summons shall at once take said child into his custody. When any child is taken into custody under such summons, or is in the custody of the court under any order of transfer from any other court, such child may, if in the judgment of the judge of said court it is not inconsistent with the child's welfare, be admitted to bail, or be released on his own recognizance, or be released into the custody of a probation officer, or of the parent or parents or of any other person or approved agency designated by the judge of said court. If in the discretion of the judge of said court, it is deemed inexpedient to admit such child to bail or to release it in the manner above set out, and if in the judgment of the court it is absolutely necessary, such child may be detained in such manner as the judge may order pending the hearing of the case. Service of such summons upon the child mentioned therein shall be made by delivery to and leaving with the father or mother of such child, or with the parent with which such child is living, or with the person in whose custody the child may be, a true copy thereof and when the summons so directs, by taking said child into custody by the officer serving same. When the summons is directed to the child and to such child's father or mother, or both, service of one copy on either parent if they be living together shall be sufficient service on all of them; or on the child and the parent with which such child is living. When such child has no parent or custodian upon whom such summons can be served, the court shall appoint a guardian ad litem for said child upon whom such summons must be served, unless such service be waived in writing by said guardian ad litem. Service of such summons on the person, or persons, mentioned therein, other than the child, if residents of this State, and their place of residence is known, shall be made by delivery to and leaving with such other person, or persons, a true copy thereof. In the event that such other person or persons are non-residents of the state, and their place of residence is known, it shall be sufficient service to deposit in a United States Post Office in such county a true copy of such summons, in a post paid, sealed envelope addressed to such person or persons, at such address or addresses; but such service shall not be held to have been perfected, nor shall such case be called for trial until a reasonable time has elapsed from the time of the posting of such summons, unless with the consent of such other person or persons, which consent may be shown by letter, telegraph, telephone, or in any other way satisfactory to the court. In the event that the names of the parent or parents, guardian, or those legally entitled to the custody of such child cannot be ascertained; or if their names being known their place or places

of residence cannot be ascertained; or if for any other cause they cannot be found, or if for any other reason it shall appear that service of such summons cannot be had on such persons, as provided above—this being a proceeding on the part of the State to protect and care for such children—no service of a summons shall be necessary in such cases to give the court jurisdiction thereof. In the event that no service of summons is had for the reason set out above, it shall be the duty of the Judge of such court, hearing such cases to satisfy himself that diligent effort has been made to ascertain the names and places of residence of the parent, parents, guardian or person or persons legally entitled to the custody of such children, before hearing such cases; and such judge may in any event order service by publication, as in other chancery cases if in his opinion the cause of justice require, in which case, if there be no other means of meeting such expense, same shall be paid by the county in which such proceedings are had. If the child mentioned in the summons be present in court at the time of the hearing, no summons to said child shall be necessary to give the court jurisdiction of such child. When the person named in the summons other than the child is present in court at the hearing, or for any of the reasons set out above has not been served with a copy of the summons, or when said child is in court, by reason of the violation of any law, Federal, State or municipal, service of the summons upon such other person named in the summons shall not be necessary to give the court jurisdiction; but if such other person be not present in court, and if for any of the reasons set out above has not been served with the summons, the court must appoint a probation officer, or some other discreet person, to act as guardian ad litem, to represent the interests of such child, and such guardian ad litem shall be present at the hearing of said case to represent said child. The summons herein provided for shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt of court. The sheriff of the county shall serve all papers directed by the juvenile court or judge thereof to be served by him, and a suitable allowance shall be made to him by the court of county commissioners, or board of revenue of such county for his actual and necessary disbursements in effecting such service. However, all papers, summons, and processes issued from the juvenile court in such proceedings may be served by the police of any municipality or by any person selected by said court or by the judge thereof for that purpose. When engaged in serving such papers, summons, and processes, such persons so selected by the court or by the judge thereof shall have the authority of a sheriff. Should any person, who by reason of not having had any legal notice of such proceeding, have a legal right to be heard in such cause,

such person shall, or must, assert such right by filing a petition in such cause setting out such right, and asking to be heard thereon, within ninety days from the rendition of the decree adjudging such child a dependent, neglected, or delinquent child, and a ward of the court, and such right, if any there be, shall or must be so asserted and within such time, or same shall be forever barred.

Section 5. JUVENILE COURTS, PRACTICE AND RULES OF. (1) PRIVACY. The juvenile court shall keep for the trial of cases involving children under the age of 16 years a docket which shall be separate and distinct from any other docket kept in said court; and the orders and decrees of the court relating to such cases shall be entered in a separate minute book. The court shall have the power, in the hearing of any case involving any child under the age of 16 years, to exclude the general public from the room where said hearing is held, but shall admit thereto such persons as, in the judgment of the court, have a direct interest in the case. The records of all such cases shall be withheld from indiscriminate public inspection but such records shall, in the discretion and under orders of the judge, be at all reasonable times open to inspection by the child, its parents, or guardian, its attorney, or attorney for its parent or guardian, and the Child Welfare Department or its accredited agents. The trial of all cases where children are involved shall be held at a different time from the hearing of other cases in the probate court. It shall be the duty of the judge of the court so to conduct the hearing as to disarm the fears of the child and to win its respect and confidence. (2) PROCEDURE. The hearing and proceedings herein provided for may be conducted in the judge's chamber or in any other room that may be provided for such cases, or in such other place within the county as may be convenient for the court and all parties concerned. Upon the return of the summons or at the time set for the hearing, the judge of the court or the referee or referees hereinafter provided shall proceed to hear and determine the case. At such hearing the nature of the proceeding shall be carefully explained to the child and to his parent, custodian or guardian. The judge of the court or the referee or referees may conduct the examination of witnesses and may take testimony for the purpose of inquiring into the habits, surroundings, conditions, tendencies and guardianship of the child in order to enable the court to determine whether such child is dependent, neglected or delinquent, and, if dependent, neglected or delinquent what order or judgment will best conserve the welfare of the child and carry out the objects of this act. If said child is found by the court to be dependent, neglected, or delinquent, the court shall so adjudicate, and, thereafter, said child shall, during his minority be considered a ward of the State and subject to the

guardianship of the juvenile court as herein provided unless sooner discharged by order and decree of the juvenile, or other, court of competent jurisdiction. Any order or judgment of the court in the case of any such child within its custody and guardianship shall be subject to modification from time to time as the court may consider best for the welfare of such child. (3) **REFEREES.** The judge of the court shall have authority to appoint and he may appoint a probation officer or other suitable person to act as referee, in the first instance, to hear any case coming under the jurisdiction of the court and to make report thereof together with said referee's conclusion and recommendations. If no exception be taken to said report, and no review be asked thereof, such report and recommendations, if and when confirmed by the court, shall become the judgment of the court. A review of the conclusions and recommendations of such referee may be had by any child, his parent, guardian, or custodian by filing a petition for a review thereof with the court at any time within five days after the entry upon the records of the court of the finding of the referee. No case of a female child shall be heard in the court unless there be present a woman of good character. (4) **MENTAL AND PHYSICAL EXAMINATION AND TREATMENT OF WARDS.** The juvenile court, in its discretion may, either before or after hearing, cause any child within its jurisdiction to be given a physical or mental examination or both by a competent physician or physicians or an approved mental examiner to be designated by the court having jurisdiction of the child and the physician or physicians or mental examiner shall certify to the court the conditions in which the child is found. If, with or without such examination, the court has reason to believe that the child is within the class defined by Act 704, approved September 29, 1919, General Acts, 1919, as mentally inferior, defective, or feeble-minded, it may proceed in the manner set out in said Act approved September 29, 1919, General Acts 1919, to commit said child to the Alabama Home or other approved institution for children of his class, or to make such other disposition of such child as the court in its wisdom may order. Or if, upon examination, it appears that the child is in need of medical treatment or care, the court may cause the child to be treated by a competent physician or physicians or placed in a public hospital or other institution for training or care or in an approved private hospital or institution which will receive it for like purposes. The expense of such treatment shall be a valid charge against the county unless otherwise provided for.

Section 6. SOLICITORS TO ASSIST SUCH COURTS. The juvenile court may, in its discretion, call upon the solicitor of the circuit court of the county or of the judicial district in

which the case is pending or upon the county solicitor, to assist the court in any proceedings under this act. It shall be the duty of such solicitor to render such assistance when so requested, and said solicitor shall represent the State in all cases arising under this act appealed from the juvenile to the circuit court. In every case the court may, in its discretion, appoint an attorney to represent the child.

Section 7. PROBATION OFFICERS, DUTIES AND COMPENSATION OF. The Juvenile Court may appoint probation officers, who may be either men or women, of good moral character, intelligent and sympathetic with the aims and purposes of this act, from the candidates who have been certificated by the State Child Welfare Department. "Provided, that nothing in this bill shall be construed as empowering the State Child Welfare Department to pass upon or hold examinations for probation officers in the several counties of this State. Said examinations shall be prepared by the State Child Welfare Department, and upon application of any officer of any county in this State, the same shall be furnished said officer or officers, who shall thereafter hold said examinations and pass upon the qualifications and fitness of any and all applicants, before any probation officer shall be employed. The number of probation officers necessary for any juvenile court shall be determined by the judge and the advisory board of such court. The Court of County Commissioners or board of revenue of the county shall pay such probation officers so appointed a reasonable salary to be determined by the judge, the advisory board, and the court of county commissioners or board of revenue of the county, acting jointly, but no paid probation officer shall be employed after the approval of this act unless such probation officer shall have been certificated by the State Child Welfare Department. Volunteer probation officers may be appointed in the same manner as paid probation officers. Such volunteer probation officers, when so appointed, shall have and exercise such powers and authority of paid probation officers as may be authorized by the court. Provided that volunteer probation officers shall work subject to the direction of a paid probation officer (or the chief probation officer if there be such) if one be employed. No salary shall be paid out of public funds to any volunteer probation officer. Probation officers shall be reimbursed for actual expenses incurred in making investigations and in transporting and caring for children who are wards of the Court when such accounts are approved by the judge of said court. Probation officers shall make investigations, as the court may direct, either before or after hearing and such child between the ages of 16 and 18 years as may be transferred from a court of criminal jurisdiction as hereinafter provided for; shall be

present in the court in order to represent the interests of the child and to aid the court, when the case is heard; shall have under orders of the court the oversight and care of such children as may be committed by said court to their charge or supervision; and shall perform such other duties as the court may direct. Probation officers may file petitions in the court in cases of any children alleged or believed to be dependent, neglected, or delinquent, or in need of the State's care and protection, and may bring charges against any person who aids or encourages any child to violate any law or ordinance, or any order of the court, or who contributes to the neglect, dependency, or delinquency of any child, or causes any child to become dependent, neglected, or delinquent. Probation officers shall serve during the pleasure of the court and shall be removable by said court at any time. Paid probation officers shall have the power of sheriffs, and police officers, school attendance officers and child labor inspectors, anywhere within the State, for the purposes of this Act, may serve any process authorized to be served by this Act, and may make arrests in the execution of processes issued from the court. Such probation officers shall take and subscribe to the oath of office now required of other public officers before entering upon the discharge of their duties. It is hereby made the duty of every county or municipal officer to render to the court, its judges, and officers, such assistance and co-operation as shall be within his jurisdiction or power to further the objects of this Act. All institutions, associations, or other custodial agencies, receiving or having in charge any child coming within the terms and provisions of this Act, or to which any child may be committed under the provisions of this Act, are hereby required to give to the court and to its officers any information, which, for the purposes of this Act, may be required or requested by said court or the officers thereof.

Section 9. COMMITMENT OF CHILDREN: WARDS OF THE STATE. If, after hearing the case of any child, the court shall find the child dependent, neglected, or delinquent and shall so adjudge, the judge may commit the child to the home of its parents, guardian, or persons having control of the home in which said child resides, provided that the character or condition of said home, parents, guardian or persons in said home is not such as to be injurious to the best interests of the child, and may permit such child to remain in its home subject to the visitation and supervision of a probation officer and to such other conditions as the court may deem for the best interests of such child, and to be returned to the court by such guardian, parent, or probation officer when such return may appear to the judge necessary and an order therefor is made by him. Or, the child may be placed by the court in any suitable family home, subject

to the visitation and supervision of a probation officer and to further orders of the court. Or, the court may authorize the boarding out of the child in some suitable family home in such manner as is now, or may hereafter be provided by law, or may arrange by voluntary contribution or otherwise for the board and care of the child until suitable provision can be made for the placing of such child elsewhere. Or, the child may be committed by the court to any orphanage, institution, association, or agency approved by the State Child Welfare Department for the care of such children in the State of Alabama and which is willing to receive such child. The court may commit any delinquent child coming within its custody and control to any appropriate State institution which is now or which may hereafter be established to receive and care for delinquent children, or, make such other order or judgment as the court, in its discretion, shall deem to be for the best interests of the child; no child shall be committed to any orphanage, institution, association, or agency except State institutions or agencies, unless such orphanage, institution, association or agency is approved by the State Child Welfare Department for the care of children of his class. During the probation period and during the time when such child shall be in the custody of any institution other than a State Institution, or of any society, association, or person, the child shall be subject to the visitation of probation officers or other duly appointed agents of the court. No commitment of any child to any institution or other custodial agency, other than State Institutions or the State Child Welfare Department shall deprive the court of the jurisdiction or authority to change the form of commitment or to transfer the custody of the child to some other institution or agency. The court may release the child from its custody or control, subject to be recalled and held in its control and custody on failure to comply with the terms and conditions of its order, or finally discharge the child. State institutions for delinquents shall not release any child committed to them under the provisions of this Act without first giving ten days' notice in writing to the court making the commitment. In committing any child to any custodial agency or in placing any child under any guardianship other than that of its natural guardian, the court shall, as far as practicable, select as custodial agency or an individual of the same general religious belief as that of the parents of such child, or if there be no parents, as that of the child itself, or an institution or association governed by persons of the same general religious faith as that of the parents or of such child, unless said institution be a State, county, or municipal institution. Female children, when being transported by order of the court to State institutions for delinquents, shall be accompanied by a woman of good character.

When any child is committed by the court to any home, institution, or person, and the parents of such child shall have the means, such parents may be required by the court to pay for the support and care of the child such sums and at such times as the court may order, or, if the child shall have an estate in the hands of a guardian or trustee, such guardian or trustee may be required by the court to pay for the support and care of the child in the same manner. In case of such order to pay, the court shall designate the person, officer, institution or agent to whom such payment shall be made. If said person, guardian, or trustee so adjudged and ordered to pay such sums for the support and care of the child, wilfully, and without just excuse, fails or refuses to make payments in accordance with the order of the court, such person, guardian, or trustee so failing or refusing to pay may be adjudged in contempt of court. From any such order to pay for the support and care of such child, an appeal may be taken by the person, guardian or trustee so ordered, as hereinafter provided for, and upon the taking of such an appeal, said order shall be suspended until the determination of said appeal. The expenses of transporting a child to an institution, home, or other custodial agency, shall, unless otherwise provided for, be borne by the county of the residence of the child and shall be paid by the court of county commissioners or board of revenue upon presentation of a bill for such expenses approved by the judge of said court. The policy of the court shall be, as far as possible, to exercise its supervisory care by the retention of children in their own homes under the supervision of a probation officer. No child shall be committed to any home of a race other than its own. Every child committed to any home shall be treated in such home as a member of the family, and the home receiving such child shall be under agreement to rear and educate such child as a member of the family. When jurisdiction and custody of any child has been assumed by the court, pending disposition of the child by commitment or otherwise, the court of County Commissioners, or Board of Revenue of the county of the residence of said child shall, unless support shall be otherwise provided, provide for the reasonable and proper support of the child while in the custody of the court. No child coming within the provisions of this act shall hereafter be committed to any institution at the public charge unless his status shall have been first determined by such court in accordance with this act.

Section 10. APPEALS. Any party aggrieved may take an appeal from any judgment or order of the court arising under provisions of this act to the circuit court of the county sitting as a court of equity. Such appeal shall be taken within ten days after the entering of the judgment or order. An appeal

bond may, in the discretion of the court, be required. Such bond shall be payable to the State of Alabama and conditioned upon the child's appearance to answer such judgment as may be rendered on appeal, as well as to secure such costs as may accrue. If such appeal be taken by a guardian ad litem appointed for the child by the court, the court may, in its discretion, make an order allowing to such guardian ad litem the actual expenses incurred on appeal, and the amount so allowed shall be a valid charge against the county when approved by the judge. An appeal, with or without bond, shall not suspend the judgment appealed from, nor shall it discharge the child from the custody of the court or from the custody of the officer or person to whose care such child shall have been committed, unless the court shall so order. All appeals under this Act shall take precedence over all other business of the court to which the appeal is taken. Upon appeal, the circuit court shall try the case de novo and shall proceed, under and in pursuance of the intent and terms of this act, to render such judgment as to it shall seem just and for the best interests of the child. Upon the rendition of such judgment, the circuit court shall cause to be filed with the juvenile court a copy of its judgment which shall thereupon become the judgment of the juvenile court. If the circuit court does not dismiss the proceedings and discharge the child, it shall remand the child to the jurisdiction of the juvenile court for supervision and care under the terms of the judgment of the circuit court, and thereafter, the child shall be and remain under the jurisdiction of the juvenile court in the same manner as if said juvenile court had rendered said judgment in the first instance.

Section 11. TRANSFERRING JURISDICTION. (1) Transfers to the Juvenile Court. Nothing in this Act shall be construed as forbidding the arrest, with or without warrant, of any child as is now or may hereafter be provided by law, or as forbidding the issuance of warrants by magistrates as provided by law. Whenever a child under sixteen years of age is brought before a magistrate of any court in the county other than the juvenile court, charged with any offense, such magistrate or court shall forthwith, by proper order, transfer the case to the juvenile court of the county. Provided, however, that any criminal court or any court exercising criminal jurisdiction in any county coming under the provisions of this act before which any child between the ages of 16 and 18 years is brought, charged with the commission of a crime, shall have authority, if such court shall deem it to be in the interest of justice and of the public welfare, to in like manner transfer such child by proper order to the jurisdiction of the juvenile court of said county to be dealt with as a delinquent child under the terms of this Act.

and when so transferred such child shall come under all terms and conditions of this act and be so dealt with as other children are dealt with under this Act. All information, depositions, warrants, and other processes in the hands of such magistrate or court shall be by him or by the judge of said court forthwith transmitted to the juvenile court and shall become a part of the records of the juvenile court. The juvenile court shall thereupon have jurisdiction of the cause and shall proceed to hear and determine the case, so transferred to it, in the same manner as if the proceedings had been instituted in the juvenile court by petition as hereinbefore provided. (2) **TRANSFER FROM THE JUVENILE COURT.** If, at any time, after thorough investigation or trial of its disciplinary measures, the juvenile court or judge thereof shall be convinced that a delinquent child, more than fourteen years of age, brought before it under the terms of this act, cannot be made to lead a correct life and cannot be properly disciplined under the provisions of this act, the juvenile court or judge thereof shall have authority to transfer the care of such delinquent to the jurisdiction of any other court in the county having jurisdiction of the offense with which said child is charged, there to be proceeded against according to law. When such order of transfer is made, the child so transferred may be committed to the county jail pending the proceedings in the court to which said case is transferred, or may be released on bail by the judge of the juvenile court to answer such proceedings in the court to which said case has been transferred. The judge or clerk of the juvenile court shall at once, upon making such order of transfer, file with the clerk of the court to which the transfer is made copy of the order of transfer and any warrant or other paper which has been filed in the juvenile court charging the child with the commission of any offense. In the trial in the court to which transfer is made, neither the fact that the case has been transferred from the juvenile court nor any of the proceedings had in the juvenile court shall be given in evidence against the child. All bonds and undertakings taken and approved by the judge of the juvenile court for any purpose shall be valid and enforceable even if the principal in said bond shall be a minor. In the event of the failure of the principal or sureties faithfully to carry out and discharge the undertakings of said bond, the judge of the juvenile court shall transmit said bond, together with his certificate of the failure of the said principal and sureties therein to carry out and discharge their undertakings in said bond, to the clerk of the circuit court of the county. Thereupon, it shall be the duty of the clerk of the circuit court at once to bring said matter to the attention of the judge of said court who shall proceed to enter a forfeiture of said bond, so transmitted, in the manner

and form now provided for the forfeiture of bonds in the circuit court. Thereafter, writs of scire facius and execution shall issue thereon as now provided by law upon the forfeiture of bonds in criminal cases in the circuit court. (3) TRANSFERS BETWEEN COURTS OF JUVENILE JURISDICTION. When it shall appear to the Judge of the juvenile court that it will be for the best interests of a child in its custody the case of such child be transferred to the juvenile court or other court of similar jurisdiction of another county, said case may be transferred, upon petition to the judge of the court into whose jurisdiction the child is thus to be transferred and his acceptance of the jurisdiction of such child. The notice of such transfer shall be accompanied by duly certified copies of all papers and proceedings in the case. Upon the acceptance of the transfer and the papers, the court to which said transfer is made shall immediately assume jurisdiction and control of the child in like manner as if the case had originated within its jurisdiction.

Section 12. CAUSING DEPENDENCY, NEGLECT OR DELINQUENCY OF CHILDREN. It shall be unlawful for any parent, guardian, or other person to aid, encourage, or cause any child under sixteen years of age to become or remain dependent, neglected or delinquent, or by words, acts, threats, commands or persuasions, induce or endeavor to induce, aid or encourage any child under sixteen years of age to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause such child to become or remain dependent, neglected, or delinquent, or by the neglect of any lawful duty or in other manner contribute to the dependency, neglect or delinquency of a child under sixteen years of age. The employment of any child under sixteen years of age in violation of any of the provisions of the child labor law, or suffering, permitting, conniving at, aiding or abetting such employment shall be held to be encouraging, causing and contributing to the dependency, neglect or delinquency of such child. Failure on the part of any parent, guardian, or other person having custody of the child to cause such child to attend school as required by the compulsory attendance law shall be held to be encouraging, causing and contributing to the dependency, neglect or delinquency of such child. Whoever violates any provision of this section shall be guilty of a misdemeanor and punished as herein set out in this section. Whenever, in the course of any proceedings under this act, or when, by affidavit as hereinafter provided, it shall appear to the juvenile court that a parent, guardian, or other person having custody, control, or supervision of a child under sixteen years of age, or any other person not standing in any such relation to such child, has aided, encouraged, or caused such child to become dependent, neglected, or delinquent

as defined herein, or has by word, act or omission contributed thereto, or has, by threats, commands, or persuasion, induced or endeavored to induce, aided or encouraged, such child to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause such child to become or remain dependent, neglected or delinquent, the court shall, for the protection of such child from such influences, have jurisdiction in such matters, as provided herein. The court shall cause such parent, guardian, or other person to be brought before it upon either a summons or a warrant, affidavit of probable cause having first been made, for such order or judgment in the premises as the court may see fit to make or render in accordance with the provisions of this section. Such accused person shall have the right to bail in such reasonable sum as may be fixed by the court, the bond to be approved by the judge of said court or by the sheriff. In default of bail the person so accused may be committed to the county jail, pending the trial and disposition of the cause. The court shall have full power and authority to hear and determine such charge so brought against such parent, guardian, or other person, and to determine his guilt or innocence. In the event such parent, guardian, or other person shall be adjudged guilty by the court, the court shall have the power to impose a fine of not more than one hundred dollars, or a sentence of hard labor for the county for not more than twelve months, or of imprisonment in the county jail for not more than twelve months, or both such fine and sentence. In the trial of such cases, the juvenile court shall determine both the law and the facts without the intervention of a jury and shall award such judgment under the terms of this section as shall seem just. The judge of such court shall have authority, in his discretion, to suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, or both such fine and sentence, and to place such accused person on probation, for a period of time not to exceed twelve months, and upon such terms and conditions as to the judge may seem proper. The judge of such court may, further, in his discretion, and as part of the judgment, require such person to enter into a bond, with or without surety, in such terms as the court may direct, to comply with the orders of the court. The judge shall have authority, in his discretion, and upon such information as he may deem sufficient, to revoke such suspension of fine, of imprisonment, or both, upon the violation by the probationer of the conditions and terms upon which such suspension was made. Such revocation by the judge shall immediately put into effect the original fine, or original term of imprisonment, or hard labor, or both such fine and term; and the judge may thereupon issue warrant of arrest and order of commitment to enforce the judgment as if there had been no suspension. The defendant,

if convicted, shall have the right to appeal to the next ensuing term of the circuit court of the county, where he may have trial by jury. Pending such appeal, upon his entering into bond with sufficient sureties in such sum as the court may require, conditioned that he will appear at said circuit court until discharged by due course of law, he shall be released from custody. If he fails to make the required bond, he may be confined to the county jail until the time of his trial. Upon the taking of such appeal, the judge or clerk of the juvenile court shall at once certify to the clerk of the circuit court of the county all papers in the cause together with a transcript of all proceedings in the matter had in the juvenile court. The clerk of the circuit court shall set all such cases appealed from the juvenile court as preferred cases in said circuit court. Upon such appeal the circuit court shall try the case de novo. If the defendant be found guilty by the circuit court, such court shall have all the discretionary power herein given to the juvenile court in rendering judgment against said defendant. If, upon the rendition of its judgment, the circuit court shall suspend payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, and shall place such convicted person upon probation under the terms of this section, the circuit court shall cause to be filed with the juvenile court a copy of its judgment which shall thereupon become also the judgment of the juvenile court, in said case. Upon the rendition by said circuit court of an order suspending such sentence, the circuit court shall remand such convicted person to the jurisdiction of the juvenile court for its supervision and care under the terms of order or judgment of the circuit court, and thereafter the convicted person shall be and remain under the jurisdiction of the court in the same manner as if such juvenile court has rendered the judgment of the circuit court in the first instance. An affidavit in the following form shall be sufficient to charge the offense described in this section, to-wit: State of Alabama, County, (Name of County.) In the Juvenile Court of present term. County, (name of county). Personally appeared before me, _____, judge or clerk of the juvenile court of _____ (name of county). County, (name of affiant) _____, who being by me first duly sworn deposes and says, that (name of person charged with offense) _____, has, within twelve months before the making of this affidavit, in said county, aided, encouraged, or caused (name of child) _____, a child under sixteen years of age, to become dependent, neglected, or delinquent, (as the case may be), or has, by word, act or omission, contributed thereto; or has, by word, conduct, act, omission, threats, commands or persuasion, induced or endeavored

to induce, aided or encouraged such child in such county to do or perform an act, or to follow a course of conduct which would cause or manifestly tend to cause such child to become or remain dependent, neglected or delinquent (as the case may be), in that the said (name of accused) _____, did, within said twelve months, within said county, (here set out succinctly the facts, acts, words, conduct, omissions, etc., which affiant avers were done or omitted by accused constituting said offense), against the peace and dignity of the State of Alabama. Subscribed and sworn to before me this _____ day of _____, 19____. _____ Affiant. _____, Judge or Clerk of Juvenile Court, _____ County, Alabama. If merely injunctive relief is sought against one or more defendants or persons, as hereinabove provided, petition may be made therefor by a bill of complaint addressed to the juvenile court, or to the judge thereof, and such proceeding governed by the rules of chancery pleading and practice; except that ten days shall be the limit of time allowed for appearance and answer to summons in such proceedings.

Section 13. DISOBEYING ORDERS OF COURT, PUNISHMENT FOR. Any person who knowingly and wilfully disregards or fails to obey any lawful order made by the judge of the juvenile court under the provisions of this Act or in the conduct of such court, or who knowingly and wilfully interferes with the custody of any child under the jurisdiction of said court shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars or sentenced to hard labor for the county not to exceed twelve months, or both.

Section 14. OBSTRUCTING OFFICERS IN PERFORMANCE OF DUTIES. It shall be unlawful for any person in such counties to remove, conceal, or cause to be removed or concealed, or attempt so to do, any dependent, neglected, or delinquent child, as defined in this act, or one alleged in a petition or order of transfer filed in said court, to be so, or any child whose custody is the subject of controversy in said courts, in order that such child may not be brought before the court; or for any person to interfere with the custody of, or remove, or attempt to remove any dependent, neglected or delinquent child, or one alleged so to be, or any child whose custody is the subject of controversy in said court who is in the custody of the court, or of a probation officer or any other officer, or person designated by the court as a special officer, or any such child who has been by said court committed to any person, persons, institution, association, or corporation, under the terms of this Act, or by virtue of its general chancery jurisdiction. And it shall be unlawful for any person to interfere knowingly with or oppose or otherwise obstruct any probation officer in the performance of his duties

under this Act, or to knowingly make false statement to any such probation officer about any matter or person as to which or whom such officer is making inquiries in the discharge of the duties of such officer. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars or sentenced to hard labor for the county not to exceed twelve months, or both.

Section 15. ADVISORY BOARD. The Judge of the Juvenile Court may appoint not less than five nor more than ten citizens of the county, known for their interest in the welfare of children, who shall serve without compensation, to constitute and be The Advisory Board of the Juvenile Court of (inserting name of county) County, Alabama, in matters relating to the welfare of children. Such advisory board shall organize by electing such officers, and by adopting such by-laws, rules and regulations for its government as it shall deem best for the purposes of this Act. Such board shall hold office during the pleasure of the court or of the judge thereof. Women shall be eligible for appointment on said Board. The duties of the advisory board shall be as follows: To advise and co-operate with the judge of the juvenile court and the Court of County Commissioners or Board of Revenue in the appointment of probation officers and in fixing the salaries to be paid such officers; to assist the courts in securing the services of volunteer probation officers when the services of such officers shall be deemed necessary or desirable; to visit institutions caring for children in the county, and whenever practicable, other institutions to which the court, from time to time, may make commitments; to advise and co-operate with the courts upon all matters relating to the welfare of children; to recommend to the court any and all needful measures for the purpose of carrying out the provisions and intent of this Act; and to make themselves familiar with the work of the courts under this Act; and to make, from time to time, a report to the public of the work of such court. Provided, that in any county wherein a county board of child welfare, as may be provided by law, may hereafter be established, such county board of child welfare, when so established, shall constitute and be the Advisory Board of the Juvenile Court of (inserting name of county) County, in matters relating to children.

Section 16. CONFESSIONS AND ADMISSIONS OF CHILDREN. The voluntary admissions or confessions of any dependent, neglected or delinquent child, as described herein, or of the parent or parents of such child, made to the probation officer, or any other person, in reference to any cause or matter in such court, if otherwise competent, shall be received in such

court as legal evidence; and the written or verbal report of facts or conditions, in reference to any child, or in reference to such child's manner of life, or condition, or environment which show, or tend to show, the social condition or status of such child, made by a probation officer of said court, after an investigation in pursuance of any rule or order of court, shall be received in evidence in such court, in such case as prima facie evidence of such facts or conditions, and may be used by any party in interest, in such case; provided, however, that no disposition of the case of a child dealt with for delinquency under this act nor any admission or confession of such child or of such parent, or parents, to the probation officer, or court; nor any report of a probation officer, made or given in pursuance of any rule or order of such courts; nor any statement by any parent, or parents, of such child, in such proceeding, shall be given or heard in any civil, criminal, or other cause or proceeding whatever, or in any other court, be lawful or proper evidence against such child or parent, or parents, for any purpose; provided further that such matters may be received and heard in subsequent proceedings in such cause in said juvenile court.

Section 17. JUVENILES NOT CRIMINALS. No adjudication, nor judgment under the provisions of this act shall operate to disqualify any child for any office in any state, county, or municipality, or from employment in any civil service under any branch of the government. No child shall be denominated nor held to be a criminal by reason of any such adjudication, nor shall such adjudication be held to be or denominated a conviction.

Section 18. WHEN CHILD MAY BE COMMITTED TO JAIL. Whenever a child is arrested for the violation of any law or ordinance, or is taken into custody under the terms and provisions of this act, and it shall appear to the court before which he is brought to be absolutely necessary to hold said child in custody until the time set for hearing of said cause in the juvenile court, said child may be placed in jail for safe keeping until the time of said hearing. If upon hearing the juvenile court deems it necessary for the best interests of the child, it may commit such child to the county jail for safe keeping, provided that in no case shall any child be confined in the same room with an adult prisoner. When any child coming under the provisions of this act, or any child under sixteen years of age, shall be committed to jail, it shall be the duty of the sheriff or other officer having charge of such jail to take all precautionary measures necessary to protect said child from improper influences and injurious associations. Provided that no child shall be committed to jail under any sentence of any judge except to hold pending a final disposition of his case. It being the

spirit and intent of this law not to incarcerate children in jails under sentence, but merely for safe keeping where it becomes imperative pending a final disposition of their case.

Section 19. CLERKS. The judge of the juvenile court may appoint as clerk of the court any probation officer or a clerk of the probate court. The judge may also appoint as deputy clerk of the court any other probation officer or clerk of the probate court. Such clerk and deputies shall receive no additional remuneration for their services to the juvenile court.

Section 20. COUNTIES EXCEPTED. This act shall not apply or be operative in any county of the State in which there is or may hereafter be established by act of Legislature, a special juvenile court or other special court having jurisdiction over the classes of persons and for the purposes declared in this act.

Section 21. CONSTITUTIONALITY. This act being remedial in its nature and purposes shall be liberally construed in order to accomplish the beneficial purposes herein sought. Should any clause, paragraph, or section of this act be declared unconstitutional by any court of competent jurisdiction, such decision shall not affect the remainder thereof.

Section 22. All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Section 23. This Act shall take effect immediately upon being signed by the Governor.

Approved Sept. 18, 1923.

No. 300.)

(H. 731. Ashcraft of Lauderdale.

AN ACT

To make further provision for paying the mileage and per diem of the members and officers and expenses of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of fifty thousand dollars or so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama and other expenses thereof for the present session.

Approved Sept. 18, 1923.

No. 301.)

(H. 845. Graves.

AN ACT

To impose a license or privilege tax on all deeds, bills of sale, and other instruments of like character admitted to record in the probate offices of this State.

Be it enacted by the Legislature of Alabama:

Section 1. No deed, bill of sale or other instrument of like character which conveys any real or personal property within this State, or which conveys any interest in any such property, shall be received for record unless the following privilege or license tax shall have been paid upon such instrument before the same is offered for record, to wit: Upon all such instruments which are executed to convey real or personal property situated in this State of the value of five hundred dollars or less there shall be paid the sum of fifty cents, and upon all such instruments executed to convey real or personal property situated in this State of more than five hundred dollars in value there shall be paid the sum of fifty cents for each five hundred dollars or fraction thereof in value of property conveyed by such instrument. Upon the presentation of any such instrument for record the judge of probate shall determine the amount of tax due thereon and upon the payment to him of the amount of such tax and recording fees of the judge of probate he shall accept the same for record; provided, however, that upon the presentation for record of any instrument which conveys property situated in two or more counties of this state the judge of probate shall certify the facts of the case together with a description of the property conveyed by such instrument to the State Tax Commission who, after hearing such evidence as may be offered, shall fix and determine the value of such property as located in each county and shall certify their determination thereof to the judge of probate, showing the value of such property in each county separately, and upon the payment to the judge of probate of the tax due on the value of all the property in this State conveyed by such instrument, as so determined, the judge of probate shall accept such instrument for record. The person presenting any such instrument conveying property in two or more counties of this State may secure immediate filing of such instrument for record by depositing with the judge of probate, to be held by him until the amount of the tax due thereon is determined, an amount which in the judgment of the judge of probate will cover the tax herein provided for, and after the value of the property conveyed thereby is determined by the State Tax Commission, as provided herein, any excess of such deposit over the amount of tax found to be due on such instru-

ment shall be refunded to the person offering such instrument for record. The determination by the judge of probate of the amount of tax due on any such instrument is hereby declared to be a ministerial act and shall not preclude the subsequent collection of the correct amount of tax if the value of the property thereby conveyed is not fully disclosed to the judge of probate when such instrument is offered for record. Upon the filing for record of any instrument coming within the terms of this Act the judge of probate shall certify thereon the fact that the tax thereon has been paid, showing the amount of such tax, and thereafter such instrument shall be received for record in any county of this State without the payment of any further tax thereon, except the fee of the judge of probate for recording such instrument, which certificate shall be recorded with and as a part of such instrument. Of the tax collected by the judge of probate under the provisions of this Act there shall be paid into the state treasury two-thirds of the amount so collected and the remaining one-third shall be paid into the county treasury; provided, however, that the counties' share of the tax collected on any instrument conveying property in more than one county shall be paid into the county treasuries of the counties in which such property is situated in proportion to the value of such property as determined by the State Tax Commission as herein provided. The judge of probate shall receive two and one-half percent of the amount collected by him under the provisions of this Act as his commission for collecting said money and certifying said instruments, which shall be deducted from the total amount collected and retained by him when making settlement of his collections as required by law. Provided, however, that this act shall not be so construed or enforced as to require the payment of privilege tax herein provided on mortgages; deeds of trust or other instruments in the nature of a mortgage or deeds or other instruments with vendors lien except as to that part of the purchase price, which is paid in cash or other articles of value and which pay no other privilege tax for recording. Provided that in counties where the Probate Judges are paid salaries the fee or commission collected or retained by the Probate Judges for collecting the tax herein provided for shall be paid by them into the treasury of their respective counties.

Section 2. This Act shall take effect on Oct. 1, 1923.

Approved Sept. 14, 1923.

AN ACT

To protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and Probate Judges hereunder; and to provide penalties for violation of the provisions hereof;

Be it enacted by the Legislature of Alabama.

Section 1. DEFINITIONS. The words and phrases used in this act shall be construed as follows, unless the context may otherwise require: (a) The term "motor vehicle" shall include all vehicles propelled by power other than muscular power except motorcycles operated by policemen or firemen when on official business and excepting all other motor vehicles, including trucks owned and operated by municipalities, or by the State, or any political subdivision thereof, or by any State institution, or by the Federal Government. The term "motor vehicle" as used in this act shall not include traction engines, road rollers, fire wagons, fire engines, police patrol wagons and also such vehicles that run only upon rails or tracks; provided, that such excepted motor vehicles shall be designated by proper signs or legible markings showing the department of the municipality, State institution, or Federal Government in which said vehicles are employed. (b) The term "State" as used in this act, except where otherwise expressly provided, shall also include the territories and the Federal districts of the United States. (c) The term "owner" shall also include any person, firm association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. As between contract vendor and contract vendee, the term "owner" shall refer to the contract vendee, unless the contrary shall clearly appear from the context of this act. (d) The term "manufacturer" shall include a person, firm, corporation or association engaged in the manufacture of new motor vehicles, as a regular business. (e) The term "Used vehicle" covers a motor vehicle which has been sold, bargained, exchanged, given away or title transferred from, the person who first took out title to it from the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof. (f) The term "dealer" shall embrace any person, firm, corporation or associa-

tion engaged in the purchase and sale of motor vehicles, or in the leasing of the same for a period of thirty or more successive days.

Section 2. CERTIFICATE OF TITLE FOR MOTOR VEHICLES. After October first, nineteen hundred twenty-three, no certificate of the registration of any vehicle or number plates therefor, whether original issues or duplicates, shall be issued or furnished by the Probate Judges, or any other officer with such duty, unless the applicant therefor shall at the same time make application for and be granted an official certificate of title of such motor vehicle, or shall present satisfactory evidence that such a certificate covering such motor vehicle has been previously issued to the applicant. Said application shall be upon a blank form, to be furnished by the State Tax Commission and shall contain a full description of the motor vehicle, which said description shall contain the manufacturer's number, the motor number, and any distinguished marks, together with a statement of the applicant's title and of any liens or encumbrances upon said motor vehicle, and such other information as the State Tax Commission may require. The Probate Judge, if satisfied that the applicant is the owner of such motor vehicle, or otherwise entitled to have the same registered in his name, shall thereupon issue to the applicant an appropriate certificate of title over his signature, authenticated by a seal to be procured and used for such purpose. Said certificates shall be numbered consecutively, and shall contain such description and other evidence of identification of said motor vehicle as the State Tax Commission or Probate Judge may deem proper, together with a statement of any liens or encumbrances which the application may show to be thereon. The charge for each original certificate of title so issued shall be one dollar, which charge shall be in addition to the charge for the registration of such motor vehicle. Said certificate shall be good for the life of the car so long as the same is owned or held by the original holder of such certificate, and need not to be renewed annually, or at any other time except as herein provided. Within thirty days after the passage of this act it shall be the duty of the State Tax Commission to cause to be printed copies of this act, and to mail to every person to whom the State Tax Commission or other officer having the duty of registration of motor vehicles, has issued a certificate of registration for the year nineteen hundred twenty-three, one of such printed copies accompanied by a blank form of application for a certificate of title.

Section 3. NEW CERTIFICATE REQUIRED AFTER SALE OR TRANSFER. In the event of the sale or other transfer in this State after October first, nineteen hundred twenty-three, of the ownership of a motor vehicle for which a certificate of title has been issued as aforesaid, the holder of such certifi-

cate shall endorse on the back of the same an assignment thereof with warranty of title in form printed thereon, with a statement of all liens or encumbrances on said motor vehicle, and deliver the same to the purchaser or transferee at the time of the delivery to him of such motor vehicle. The purchaser or transferee shall within ten days thereafter, present such certificate, assigned as aforesaid, to the Probate Judge accompanied by a fee of one dollar, whereupon a new certificate of title shall be issued to the assignee. Said certificate, when so assigned and returned to the Probate Judge, together with any subsequent assignments or re-issues thereof shall be forwarded within ten days to the State Tax Commission at Montgomery, Alabama and shall be retained by the State Tax Commission and appropriately filed and indexed, so that at all times it will be practicable to trace title to the motor vehicle designated therein. The Probate Judge shall be allowed to retain a fee of ten cents for each certificate of title, to be deducted by him from the certificate of title fee.

Section 4. CERTIFICATE OF TITLE REQUIRED TO OPERATE MOTOR VEHICLES. The owner or any person, without the consent of the owner being first obtained, who shall operate a motor vehicle in this State under a registration number of this State after October first, nineteen hundred twenty-three without first securing a certificate of title, as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than one thousand dollars, and from and after October first, nineteen hundred twenty-three any person who sells a motor vehicle without complying with the requirements of section three thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 and may also be sentenced to hard labor for the county for not more than twelve months.

Section 5. CERTIFICATES OF REGISTRATION FOR MOTOR VEHICLES. The Probate Judge shall furnish with each number plate for motorcycles and with each pair of number plates for motor vehicles, a receipt of registration, which shall contain upon the face thereof the following data: The name of the registered owner of the motorcycle or motor vehicle, The owner's post-office address, the make of the vehicle, the year of model, the model or letter designated by the manufacturer, manufacturer's serial number, if any, the engine number, the registered horse power, the registration or license number and date of issue of the receipt of registration. In case of motorcycles, the manufacturer's serial number shall be stated in lieu of the engine number. Such receipt of registration shall contain a blank space for the signature of the registered owner

and shall be signed with ink by such owner immediately upon receipt. Such receipt of registration shall contain the registration number denoted on the number plate or plates, in connection with which such receipt of registration is issued. Said receipt of registration shall also contain the engine number of the motor vehicle for which said receipt of registration is issued as denoted by certificate of title issued for said motor vehicle by the Probate Judge. The State Tax Commission through the Probate Judges shall furnish with each certificate or registration of title a suitable container or frame so arranged and covered as to be easily inspected. The receipt of registration referred to herein shall be subject to inspection by any peace officer at any time. Said receipt of registration shall, at all times while the motor vehicle for which it was issued is being operated within this State, be in possession of the operator thereof.

Section 6. TRANSFER OF OWNERSHIP FILE TO BE KEPT BY STATE TAX COMMISSION. TRANSFEREE OF TITLE REQUIRED TO MAKE APPLICATION FOR NEW CERTIFICATE. Upon receipt of such old certificate, it shall be the duty of the State Tax Commission to file such receipt of registration in a file to be known as "The Transfer of Ownership File." Unless the Transferee as shown by endorsement on the back of the receipt of registration, applies by mail, or otherwise, within ten days after the date of transfer of the motor vehicle for certificate of registration and title, he shall be considered to be driving a motor vehicle without registration, and upon conviction thereof shall be fined not less than five dollars, nor more than fifty dollars.

Section 7. PROBATE JUDGE MAY REFUSE TO ISSUE CERTIFICATE OR REVOKE SAME IF ISSUED. If the Probate Judge shall determine at any time that an applicant for a certificate of title of a motor vehicle is not entitled thereto, he may refuse to issue such certificate or to register such vehicle, and the State Tax Commission or Probate Judge may for a like reason, and after notice and hearing, revoke registration already acquired, on any outstanding certificate of title.

Section 8. PENALTY FOR FALSE STATEMENT IN APPLICATION AND POSSESSION OF STOLEN MOTOR VEHICLES, ETC. Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows, or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows, or has reason to believe, has been stolen, and

who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony and upon conviction shall be punished by a fine of not less than one hundred dollars, nor more than five thousand dollars, or by imprisonment in any penal institution within this State for not less than one year, nor more than five years or both, in the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by any existing or future laws for the larceny or unauthorized taking of motor vehicles, but shall be deemed supplementary thereto.

Section 9. CERTIFICATES FOR DEALERS AND MANUFACTURERS. In the case of dealers in motor vehicles, motorcycles, including manufacturers who sell to others than dealers, all of whom are intended to be covered by this and all other provisions of this section, a separate certificate of title, either of such dealer's immediate vendor, or of the dealer himself, shall be required in the case of each motor vehicle in his possession, and the State Tax Commission shall determine the form in which application for such certificates of title and assignments thereof shall be made: Provided, however, That no such certificate shall be required in the case of new motor vehicles sold by manufacturers to dealers as the term "dealers" is defined in section one of this act.

Section 10. DUPLICATE CERTIFICATES WHERE ORIGINAL IS LOST. In the case of lost certificates of title or registration, the loss of which is accounted for to the satisfaction of the State Tax Commission or Probate Judge duplicates may be issued, the charge therefor to be fifty cents each.

Section 11. ALTERATION OR FORGERY OF CERTIFICATE OF TITLE AND PENALTY THEREOF. Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by the Probate Judge pursuant to the provisions of this section, or any assignment thereof, or who shall hold or use any such certificate or assignment knowing the same to have been altered or forged, shall be deemed guilty of a felony, and upon conviction thereof shall be liable to pay a fine of not less than one hundred dollars, nor more than five thousand dollars, or to imprisonment in any penal institution in this State for a period of not less than one year, nor more than five years, or both, in the discretion of the Court.

Section 12. REPORT OF STOLEN AND RECOVERED MOTOR VEHICLES. It shall be the duty of the sheriff of every county of the State and of the chief of police or commissioner of police of every city having a population of more than ten thousand to make immediate report to the State Tax Commission of all motor vehicles reported to him as stolen or recovered, upon forms provided by the State Tax Commission.

Upon receipt of such information, the State Tax Commission shall file the same in an index to be known as the "Stolen and Recovered Motor Vehicle Index." It shall also be the duty of the State Tax Commission to file reports of stolen and recovered motor vehicles reported to it from other states. The State Tax Commission shall publish once a month a list of all motor vehicles stolen or recovered during the previous month and forward a copy of the same to every sheriff, and all police departments in cities with over ten thousand inhabitants. Such list shall also be forwarded to the Secretary of State or other proper official, in each State of the United States. Before issuing a certificate of title, as heretofore provided, the State Tax Commission shall check the motor and serial number on the Motor vehicle as shown by the reports of the Probate Judges to the State Tax Commission against the "Stolen and Recovered Motor Vehicle Index."

Section 13. LICENSES REQUIRED OF SECOND HAND DEALERS. That after the first day of January, Nineteen hundred twenty-four, it shall be unlawful for any person to carry on or conduct in this State the business of buying, selling or dealing in used vehicles, unless and until he shall have received a license from the Probate Judge or other proper officer, authorizing the carrying on or conducting of such business; Provided, however, that any manufacturer or importer of vehicles or his subsidiaries or selling agents, may buy or take in trade and sell any used vehicle of his own make without such license. Such license shall be furnished annually by the Probate Judge and shall run from the first day of January, nineteen hundred twenty-four and annually thereafter for each year, beginning on the first day of January. The application for said license shall be in such form as may be prescribed by the said State Tax Commission and subject to such rules and regulations with respect thereto as may be so prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name or names of the person or persons applying therefor, the name of the firm or co-partnership with the names and places of residence of all the members thereof, if such applicant be a firm or co-partnership, the name and residence, the principal officers, if the applicant be a body corporate or other artificial body, the name of the state under whose laws the corporation is organized, the location of the place or places at which such business is to be carried on and conducted and said application shall contain such other relevant information as may be required by the State Tax Commission. It shall be accompanied by a sworn statement of two reputable persons of the community in which the principal place of business is to be located, certifying to the good moral character of the person or

persons applying for such license. Upon making such application the person applying therefor shall pay to the Probate Judge a fee of \$5.00 in addition to any other fees now required by law. A license certificate shall be issued by the Probate Judge in accordance with such application when the same shall be regular in form and in compliance with the provisions of this section, and such license, when so issued shall entitle the licensee to carry on and conduct the business of buying and selling and dealing in used vehicles for a period of one year from the first day of January of the current year. The Probate Judge shall be allowed to deduct a fee of fifty cents from the foregoing license fee of (\$5.00) for his services. The State Tax Commission shall have the power to make suitable rules and regulations for the issuance of such licenses to expire upon the first day of January of the succeeding year, when the application therefor shall be made during the current year, and upon payment of a license fee of three dollars (\$3.00) provided application is made after July first of any year. The Probate Judge shall be allowed to deduct a fee of twenty-five cents for his services where the license fee is (\$3.00). Any person conducting the business of buying, selling or dealing in used vehicles and having received a license therefor, shall, before removing any one or more of his places of business, or shall before opening any additional places of business, apply to the Probate Judge for, and obtain, a supplemental license, for which no fee shall be charged. Every such licensee shall keep a book or record in such form as may be prescribed or approved by the State Tax Commission in which he shall keep a record of the purchase, sale or exchange or receipt for the purpose of sale or any secondhand vehicle, a description of such vehicles, together with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom such vehicle was purchased, or received, or to whom it was sold or delivered, as the case may be. Such description shall also include the engine number, if any, the maker's number, if any chassis number, if any, and such other numbers or identification marks as may be thereon and shall also include a statement that a number has been obliterated, defaced or changed, if such is the fact. He shall also have in his possession a duly assigned certificate of title from the owner of said motor vehicle in accordance with the provisions of another section of this act, from the time when the motor vehicle is delivered to him until it has been disposed of by him. Any person guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 and may also be sentenced to hard labor for the county for not more than twelve months.

Section 14. PENALTY FOR SALE OF VEHICLE WITH ENGINE NUMBER ALTERED OR CHANGED; APPLICA-

TION FOR SPECIAL NUMBER. Any person or persons, firm or corporation who thirty days after the taking effect of this act, shall sell or offer for sale in this State, a motor vehicle, the original engine number of which has been destroyed, removed, altered, covered or defaced, with the exception of electrically propelled motor vehicles shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500 and may be sentenced to hard labor for the County for not more than 12 months, and upon a second or subsequent conviction, under this section, the punishment shall be imprisonment in the State prison for a term of not less than one year nor more than five years; provided, however, that any person or persons, firm or corporation, being the owner or custodian of or having possession of a motor vehicle at the time of the taking effect of this act, the original engine number of which has been previously destroyed, removed, altered or defaced, shall before the expiration of thirty days after the taking effect of this act apply to the Probate Judge on a blank to be prepared and furnished by the State Tax Commission upon request, for permission to make or stamp or cause to be made or stamped on the engine of such motor vehicle, a special engine number. The application for permission to make or stamp a special engine number on the engine of a motor vehicle under the provisions of this act shall contain, a description of such motor vehicle including the make, style and year of model of the same, as complete a description of the original engine number, if any part of the same remain, as is possible to give, any distinguishing marks that may be on the engine or body of such motor vehicle and the name and post-office address of the applicant, the date on which he purchased or procured possession of the same. The name and post-office address of the person or persons from whom he purchased such motor vehicle, and such information as the Probate Judge may require, all of which description and facts shall be sworn to by said applicant. Upon receipt of such application together with a fee of one dollar, the Probate Judge shall issue to said applicant written permission to make or stamp on the engine of such motor vehicle, a special engine number to be designated by the Probate Judge, and when such special engine number so designated has been stamped or otherwise placed on the engine of such motor vehicle it shall become and thereafter be the lawful engine number of such motor vehicle, for the purpose of identification and registration and for all other purposes under the provisions of this act and the owner thereof may sell and transfer the same under said special engine number so designated by the Probate Judge; and any person or persons who shall destroy, remove, cover, alter or deface any special engine number so designated

by the Probate Judge shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State prison for a term of not less than two years nor more than ten years. In designating special engine numbers for motor vehicles under the provisions of this act the Probate Judge shall designate and number the same consecutively, preceded by the letters "Ala." and followed by the letters for each and every make of motor vehicle for which application for a special engine number shall be made, and in the order of the filing of application therefor; provided, that from and after the taking effect of this act, the Probate Judge shall not register any motor vehicle without an engine number or issue a license for the operation of the same except as specifically provided for herein; and further, before issuing said license the Probate Judge shall require of the applicant a statement that the special number assigned to be placed on the particular motor vehicle in question has been put on in a workmanlike manner, and this statement shall be certified to by the Sheriff, chief of police, or other convenient peace officer, that he has inspected said motor vehicle and found said number to be on said motor vehicle as required by the Probate Judge. Nothing herein shall be construed to prevent any manufacturer or importer or his agents, other than dealers, from doing his own numbering on motor vehicles or parts removed or changed and replacing the numbered parts. The Probate Judge shall be allowed a fee of ten cents for each special engine number designed under this section, to be deducted by him from the fee of (\$1.00) provided herein.

Section 15. APPOINTMENT OF DEPUTIES, THEIR DUTIES, ETC. The State Tax Commission with the approval in writing of the Governor, is hereby given power to appoint all necessary deputies, in addition to the present officers of the law, to carry out the provisions of this act and to incur any additional expense in the enforcement of this act, as may be first approved by the Governor in writing, and the State Tax Commission together with such deputies, employees and existing officers of the law are hereby given police power and authority throughout the State, to arrest without writ, rule, order or process any person in the act of violating or attempting to violate in his presence any of the provisions of this act, and are hereby made peace officers of this State for that purpose. With the permission and consent of the sheriff of any county, or the chief of police of any city, the State Tax Commission is hereby authorized to employ temporarily and deputize any deputy sheriff or police officer to investigate any auto theft matters or other violations of this act and any such officers so employed or deputized, shall have all the authority of peace officers as heretofore

provided. Any officer, or deputy of the State Tax Commission, or of the Probate Judges shall have the authority and is hereby required to use reasonable diligence in ascertaining whether the owners and operators of motor vehicles are complying with the provisions of this act. All expenditures under the provisions of this section shall be paid for from the fund hereafter designated as the "Auto Theft Fund."

Section 16. AUTO THEFT FUND, HOW USED. All moneys received by the Probate Judge under this act shall be remitted to the State Tax Commission at Montgomery, Alabama on or before the first and fifteenth day of each month, less the fees allowed by this act to such Probate Judges for services hereunder; such remittances shall be accompanied by such detailed reports as may be required by the State Tax Commission, and shall be of such a character as to furnish the State Tax Commission with the necessary data to properly keep the index files required in sections six and twelve of this act. All moneys received by the State Tax Commission under the provisions of this act shall be set aside and shall be known as the "Auto Theft Fund" and shall be held and retained in the State Treasury as a separate fund and shall be used first to meet the necessary additional expenses incurred by the State Tax Commission in the performance of duties required by this act, and in the enforcement of the motor vehicle and traffic laws of this State. If at the end of any fiscal year there be a balance in said fund, which has not been previously obligated by the State Tax Commission said unobligated balance shall revert to the general fund in the State Treasury. All expenses which may be incurred by the State Tax Commission in printing this act and in the preparation and printing of the prescribed forms, together with the cost of postage and mailing and the necessary clerical assistance, shall be paid in the first instance out of the fund accruing from motor vehicle license fees and as soon as sufficient funds are available from the fees and collections provided for in this act, the license fund shall be reimbursed for the amount so paid.

Section 17. FALSE STATEMENTS SHALL CONSTITUTE PERJURY. Any person who shall knowingly make any false affidavit, or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this act to be sworn or affirmed to shall be guilty of perjury, and upon conviction, shall be punishable by a fine and imprisonment as other persons committing perjury are punishable.

Section 18. ANY PART DECLARED UNCONSTITUTIONAL SHALL NOT RENDER REMAINDER OF ACT INVALID. If any provision of this act shall be held by any court of competent jurisdiction to be unconstitutional such provision

so declared to be unconstitutional shall not affect the validity of the remainder of the act, but shall only affect the clause or provision so held to be unconstitutional and the remainder of the act shall be valid.

Section 19. DATE EFFECTIVE. That this act shall take effect and be enforced on the first day of October nineteen hundred twenty-three.

Section 20. That in all counties where the Probate Judge is on a salary all fees shown in this act shall be deposited in the County Treasury for the County.

Approved Sept. 14, 1923.

No. 303.)

(H. 523. Holcombe.

AN ACT

To give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; to abolish the present State Harbor Commission and to create in lieu thereof an agency of the State to be known as the State Docks Commission; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers and duties of such agency; to confer upon said agency all powers, duties, and authority now vested in the State Harbor Commission; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority and for the use of its facilities acquired under authority of this Act, to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of Harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

Be it enacted by the Legislature of Alabama.

Section 1. The State of Alabama is hereby authorized and empowered to engage in, through the agency herein after provided and designated and such other agencies as hereafter may be provided by law, works of internal improvement of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State, or its jurisdiction, includ-

ing the acquisition or construction, maintaining and operating at seaports of harbor water craft and terminal railroads, as well as all other kinds of terminal facilities, provided that such work or improvement and facilities shall always be and remain under the management and control of the State through the governing agency hereinafter provided and designated, or such other governing agency or agencies as hereafter may be provided by law, and provided further that the entire cost to the State of engaging in such work or development shall not exceed the sum of ten million dollars.

Section 2. There is hereby created a board or body, in lieu of the present State Harbor Commission, which Commission is hereby abolished, the new board to be known as the State Docks Commission, which shall consist of three members to be appointed by the Governor, one of whom the Governor shall name as chairman of such Commission, no two of whom shall be residents of the same Congressional district of the State, which Commission, in addition to the duties herein more particularly specified, shall be vested with and shall exercise the powers, duties, and authority, now vested in and exercised by the present State Harbor Commission which are not in conflict herewith. The Commissioners shall be appointed for the terms of two, three and four years respectively; each Commissioner's term to be designated by the Governor. The term of each Commissioner, after the expiration of the term above provided for shall be five years, but any Commissioner may be removed by the Governor at pleasure at any time and a successor appointed for the remainder of the term. The said State Docks Commission is hereby provided and designated as the agency of the State through which it shall accomplish the acquisition, or construction, maintenance and operation of all of the improvements and facilities hereby authorized and through which the same shall be managed and controlled by the State, and hereinafter such agency will be called the Commission. It is further provided that no person having financial interest in any harbor facilities such as the State Docks Commission is authorized to deal with shall be eligible for appointment as a member of said Commission. The members of said Commission shall receive their actual expenses in attending meetings of said Commission or in attending to any of the duties under this Act. The Governor may also appoint a board of three members, one of whom shall be an engineer, and one of whom shall be an architect, no two of whom shall be from the same congressional district, who shall be known as the Board of Censors, and whose duty it shall be to, together with an examiner of public accounts, examine into the doings of the State Docks Commission at least once between January 1st and July 1st, and again between July 1st and De-

ember 31st of each year, and to make a report to the Governor as to the progress of the undertaking, making such criticisms and suggestions as may seem to them to be helpful to the Governor in passing upon the various matters connected with the undertaking, and the Governor may from time to time call said board of censors together for consultation in regard to any matters as to which he may desire the opinion of said board.

Section 3. It shall be the duty of the Board of Censors, together with the Examiner of Public Accounts to examine the books of the secretary-treasurer, and to make such other inspection of the business, buildings and actions of the State Docks Commission and employees semi-annually as said board may deem necessary to enable said board to make a fair report of the financial and physical condition of the undertaking and it shall be the duty of the Board of Censors to have their report published in one paper at Montgomery each time they make a report. That the members of the Board of Censors shall receive a per diem of ten dollars for the days spent in the discharge of their duties and reasonable traveling expenses, to be approved by the Governor.

Section 4. The Commission must appoint a secretary-treasurer, chief wharfinger and as occasion requires may appoint such number of deputy wharfingers, clerks, attorneys, collectors and other employees as may be necessary, all such appointments, excepting subordinate employees, to be made with the approval of the Governor. In addition, the said Commission, with the approval of the Governor, shall also appoint such architects and engineers and other persons as may be required for the study and development of the facilities of the ports and when necessary may employ, with the approval of the Governor, a general manager having such duties and powers as may be designated in writing by the Commission, approved in writing by the Governor, such general manager, or any other employee or appointee may be discharged or removed at any time by the Governor or the Commission. Such general manager shall not be interested in, or connected by blood, marriage or business association with any one dealing with the said Commission or interested in any way in any of the properties that may be acquired or managed by it. All employees handling money or vested with discretionary powers shall give bond in a sum to be fixed by the Governor, with corporate security, for the honest and faithful performance of the duties devolving upon them, such bond to be payable to the State and approved by the Attorney General. Such general manager shall make a monthly report in duplicate to the Commission and to the Governor of his acts and doings. The Commission with the approval of the Governor shall have power and authority to fix the salaries and compensation for the general manager, engineers, architects and other employees and may

prescribe their duties. Until the appointment and qualification of a general manager the Commission may appoint the Chairman or other Commissioner to act ex-officio as general manager and shall fix his salary while so acting. Such officials and employees shall hold office for such time and on such terms and conditions as the Commission may determine. The secretary-treasurer is required to make bond in such amount as the Commission may order, payable to the State and conditioned upon the faithful discharge of his duties. He shall receive and disburse for the Commission all monies which it is authorized to receive and disburse. He shall be responsible for the safe-keeping thereof and shall properly account therefor.

Section 5. The State, in engaging in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating harbors or seaports within the State and its jurisdiction, acting through the said Commission, shall have power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control and operate at seaports, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other water and rail terminals and other structures and facilities needful for the convenient use of the same in the aid of commerce including the dredging of approaches thereto, but before the said Commission shall exercise such authority it shall first submit complete plans, including estimates of costs, prepared by competent engineers or architects, to the Governor who shall consult and confer with said board in reference thereto and as to dredging with the proper United States authorities. The Governor shall also be authorized and empowered, wherever he thinks it is expedient, to make other and further investigations in regard to the desirability of such proposed acquisition or erection of facilities as above mentioned. Before approving any purchase of real estate at a price of more than \$10,000.00 the Governor shall cause the same to be appraised by three disinterested and competent men of his selection, the expense of such appraisal to be paid as hereinafter provided for the payment of expenses, and no purchase thereof shall be made, except by condemnation, for a sum in excess of said appraisal. If after such full investigation as he deems necessary is made, the Governor approves such acquisition, purchase, lease, or the erection of such facilities, he shall indicate it by endorsing his approval on the plan, or by letter to the Commission, and thereupon the Commission shall go forward with such project. If, however, the Governor disapproves, the Commission shall not have authority to begin such proposed improvement but may make other and further suggestion or amendments to the Governor from time to time. The State through the said Commission, shall have power to acquire, own, lease, and operate tug boats, to

locate, install, construct, acquire, lease, own, hold, maintain, control, and operate at seaports a line of terminal railroads with necessary sidings, turnouts, spurs, branches, switches, yard track, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances. The State, acting through the said Commission, shall have the right and authority with its terminal railroads to connect with or cross any other railroad upon the payment of just compensation and to receive, deliver to and transport the freight, passengers, and cars of common carrier railroads as though it were an ordinary common carrier. The title to all property acquired under the authority of this Act shall vest in the State of Alabama, but the Commission, with the consent and approval of the Governor, may dispose of, sell or lease to others, at reasonable prices and for reasonable compensation, any of said property, equipment and facilities provided that the proceeds of all such sales and leases shall remain as a part of the fund first in the payment of the interest due on any bonded indebtedness provided for hereunder and then to the further improvement and development hereby authorized, and to paying the obligations which the State is hereby empowered by this Act to incur. The Commission with the approval of the Governor is authorized to exchange any property or properties acquired under the authority of this Act for other property or properties usable in carrying out the powers hereby conferred, and also to remove from lands needed for its purposes and reconstruct on other locations, buildings, terminals, railroads or other structures upon the payment of just compensation, if, in its judgment, it is necessary or expedient so to do in order to carry out any of its plans for port development approved by the Governor. The power of eminent domain shall apply, not only as to all property of private persons or corporations, but also as to property already devoted to public use, provided, however, the said Commission shall have no authority to acquire without the consent of the owner thereof any property now operated and used for port purposes or such purposes as the Commission are authorized to acquire and use property for, unless an actual necessity therefor be alleged and proven. It is provided, however, that said Commission shall not purchase, lease or acquire by exchange any property in which any member of the commission is financially interested, either directly or indirectly, whether as a stockholder of a corporation or otherwise. The Commission with the approval of the Governor is hereby authorized

to bring and prosecute, for and in the name of the State, all such suits, actions and other legal proceedings as may be proper or necessary for the enforcement of the rights of the State growing out of any of its transactions or operations authorized by this Act, provided that the Commission, so far as practicable to do so, shall utilize the labor of residents of this State in the construction of the works provided for in this Act.

Section 6. For the acquiring of rights of way and property necessary for the construction of terminal railroads and structures, including railroad crossings, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other riparian and littoral terminals and structures and approaches there-to needful for the convenient use of same, the State, acting through said Commission, shall have the right and power to acquire the same by purchase, by negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, it may proceed in the manner provided by the general laws of the State of Alabama for procedure by any county, municipality or corporation organized under the laws of this State, or in any other manner provided by law.

Section 7. The operation of the improvements and facilities hereby authorized shall be conducted in the name of the State Docks Commission. In such operation, the Commission may contract such current indebtedness as is necessarily incident to the prosecution of the work in accordance with the terms of this Act. The Commission may adopt rules not inconsistent with the provisions of this Act for the purpose of regulating, controlling and conducting the said operation.

Section 8. In order to provide funds for the purposes herein authorized, the Governor is hereby empowered to execute and, with the advice and concurrence of the Commission, to sell the State's bonds in such amounts, not exceeding in the aggregate the sum of ten million dollars, as may be necessary for said purposes, but under and subject to the following provisions. The said bonds shall be appropriately designated as Harbor Improvement Bonds of the State and shall mature and be payable in equal annual installments, at such times as may be designated by the Commission, with the approval of the Governor, not more than fifty years from the date of the issuance thereof, the first installment to mature not more than ten years from the date of issuance thereof. They shall be in denominations of one Thousand (\$1,000.00) Dollars and multiples of one thousand dollars (\$1,000.00), the number of each denomination in each lot of bonds executed to be determined by the Commission by and with the consent of the Governor. They shall be signed by the Governor, the State Auditor and the State Treasurer and attested by the Secretary of State, and the Great Seal of the State shall be affixed thereto, and said bonds shall be issued

either in the coupon form or registered form and they shall all bear interest at such rate, not exceeding five per cent per annum, as may be determined by the Commission, with the consent and approval of the Governor, which interest shall be payable semi-annually, the interest on coupon bonds being evidenced by interest coupons attached, each of which coupons shall be authenticated by the facsimile signature of the State Treasurer imprinted thereon. Bonds bearing interest at five per cent per annum shall be sold at not less than par. Bonds bearing interest at less than five per cent per annum shall be sold at such price that the cost to the State of Alabama, including annual interest and amortization, shall not exceed five per cent per annum. The State Treasurer shall keep a complete record of all bonds issued under authority of this Act. Bonds issued in coupon form may be exchanged for fully registered bonds or bonds registered as to principal only. Coupon bonds and registered bonds shall be interchangeable. Upon the issuance of a coupon bond for a registered bond, all matured and unearned coupons on said bond shall be by the State Treasurer first clipped from said bond and cancelled. The Governor is authorized to prescribe regulations for the registration of bonds and for the interchange of registered and coupon bonds and to fix a charge of not more than fifty cents per thousand dollars for registration of bonds and not more than one dollar per thousand dollars for interchange of bonds. The Commission, with the approval of the Governor and Attorney General, is authorized to prescribe the exact form in which said bonds shall be issued. The State Treasurer shall keep a record of all registered bonds, including the names and addresses of the respective holders thereof. The said registered bonds may be transferred only by an appropriate change of registration in such manner and form as may be prescribed by the Commission and approved by the Governor. The interest on all registered bonds shall be paid by check or draft of the State Treasurer mailed to the holder at the address shown by the registration records. The interest on the coupon bonds and the principal of all bonds shall be made payable in gold of the present standard weights and fineness, or its equivalent at the State Treasury or such other place as may be selected and named by the Commission with the approval of the Governor. Said bonds shall be emitted and sold only when and as funds are needed for the carrying out and accomplishing of a particular improvement or plan which has been submitted to and approved by the Governor as herein provided, or for the payment of temporary loans and interest under the provisions of this Act. Each sale of bonds hereunder shall be for only such amount as is reasonably necessary to pay interest and temporary loans as herein provided, and to cover the cost of carrying out the plan

or plans theretofore submitted to and approved by the Governor, it being intended to so provide that the improvement and development will be accomplished in such units, or installments as the Commission, with the approval of the Governor, shall adopt, and to further so provide that the obligations of the State hereby authorized shall be emitted only when necessary to supply the funds required for said purposes provided, however, that the act of the Commission and the Governor in offering such bonds for sale shall be conclusive evidence that the proceeds are intended for use only for the work of internal improvement in promoting, developing, constructing, maintaining, and operating harbors and seaports, within the State or its jurisdiction. Each issue of said bonds shall be designated by a distinctive series number, letter or other designation. The proceeds of all of said bonds issued and sold under the provisions hereof shall be paid into the treasury and kept by the State Treasurer in a separate account and in a separate fund and paid over to the secretary-treasurer of the Commission from time to time in such amounts as shall be directed by the Governor as in his judgment the purposes of this Act may require or the money so paid over to the secretary-treasurer of the Commission shall be held and used only for the accomplishment of the purposes of this Act. The State, at the request of the Commission approved by the Governor, may borrow from time to time such sums of money as may be immediately necessary in its general operation, or in the development and improvements hereby authorized, or for the payment of interest on outstanding bonds or other indebtedness lawfully incurred; and the Commission, subject to the approval of the Governor, acting by and through its chairman and secretary-treasurer, is hereby empowered to execute notes or other like obligations of the State, but in its own name, for all sums so borrowed. No loans so obtained shall run for more than six months or bear interest at a greater rate than six per cent per annum, but they may be renewed from time to time as may be necessary. The proceeds of all loans so obtained shall be paid to the secretary-treasurer of the Commission, and be held and used only for the accomplishment of the purposes of this Act. All temporary loans so obtained shall be repaid from and out of the proceeds of the next sale of bonds hereby authorized or other funds in the hands of the Commission which may be available. At no time shall the amount of outstanding obligations of the State issued hereunder, including bonds, notes or other evidences of debt, exceed in the aggregate ten million dollars. The secretary-treasurer of the Commission shall deposit such funds as are received by him as such secretary-treasurer from time to time in such bank or banks as may be designated by the Commission and approved by the Gover-

nor; provided, that such funds shall not be deposited in any bank in which any member of the Commission is interested either directly or indirectly. The Commission shall require that any bank or banks receiving such deposits shall secure the same by a deposit of Harbor Improvement Bonds authorized by this Act, or by State Bonds of the State of Alabama, United States Government securities or such other securities as may be approved by the Governor and the Commission. The Commission and the Governor shall if possible require interest to be paid on such deposits carried in any bank or banks. Provided temporary loans made under the provision of this Act shall not exceed two hundred thousand dollars at any time.

Section 9. Not more than one million dollars par value of said bonds shall be emitted and sold during the first twelve months after the approval of this act; not more than three million dollars of par value of said bonds shall be emitted and sold during the first twenty-four months after the approval of this act, and not more than five million dollars of par value of said bonds shall be emitted and sold during the first forty-eight months after the passage of this Act. Not more than five million dollars par value of said bonds shall be emitted and sold until those portions of the improvements constructed by the State Docks Commission and which have been completed for at least three years, shall have produced a net income of five per cent upon the cost thereof during a period of twelve months prior to the emission and sale of additional bonds unless the entire investment shall have produced five per cent upon the cost thereof during a period of twelve months prior to the emission and sale of said additional bonds. But the fact that bonds are emitted and sold with the approval of the Governor, shall be conclusive evidence of the fact that the conditions imposed by the terms of this section upon the emission and sale of said bonds have been complied with.

Section 10. The proceeds of the handling and operation of the improvements and facilities hereby authorized shall be applied and used as follows: All expenses of carrying out the purposes of this Act shall be paid from said proceeds. Not less than thirty days before each semi-annual date upon which interest matures on the bonds hereby authorized, or any installment of principal matures, the secretary-treasurer of the Commission shall pay to the State Treasurer from such receipts an amount sufficient to cover such installment in interest or principal, and therefrom the State Treasurer shall pay such interest or principal. If the receipts of the Commission be insufficient to cover any expense herein provided for, or any installment of interest or principal, the deficiency may be paid from the proceeds of any sale of bonds hereby authorized, provided that

such use of said proceeds shall be limited to the payment of expenses and interest on bonds for only the first three years after the completion and putting into operation of the unit or improvement acquired with the proceeds of such bonds, or the amount necessary for the payment of such interest may be obtained from temporary loans negotiated therefor as hereinbefore authorized. It is intended to so provide that all of the revenues and income arising from the operations authorized hereby and from all property acquired under the provisions hereof shall be devoted to the payment of the expenses of such operation, to the payment of interest upon the bonds issued pursuant to the provisions hereof, and to the payment of the principal of said bonds as they respectively mature, thus relieving the other revenues of the State from any burden in that behalf unless the aforesaid income be insufficient for the purposes mentioned. The Commission may retain from the money coming into its hands such amount as may reasonably be required for operating capital, and all amounts so retained shall be deemed to be an operating expense within the meaning of this Act.

Section 10½. Immediately upon the completion of each unit of development erected by the State, the Commission shall ascertain the cost of said unit, which shall be entered in the accounts kept by the Commission as a charge against capital account. After the first twelve months from the completion of each unit but not before October 1st, 1927, a half of one per cent of the cost thereof, not to exceed one half of the gross income therefrom during each month, shall at the end of the month be credited, to an account designated "Sinking Fund" and shall be used from time to time only for the purpose of paying interest charges and of retiring by re-purchase such bonds at not more than par, or by paying them off as the same mature, until all bonds issued shall have been retired; provided, however, that whenever the sinking fund thus created shall exceed the bonds outstanding plus the interest charges maturing within the following twenty four months, then the surplus shall be available for use in the future development and improvement of the port in question, and provided further that in calculating the net earnings of respective units for the purpose of ascertaining whether they have earned five per cent upon the cost thereof in order to determine whether or not the further sale of bonds may proceed, the question shall be determined just as if this section were not contained in this act.

Section 11. For the payment of both the principal and interest of all bonds issued under the authority of the Act according to their tenor, the faith and credit of the State of Alabama is hereby pledged. If the funds supplied by the Commission to the State Treasurer under the provisions of this Act be

insufficient to fully pay at maturity any installment of interest on said bonds or to pay at maturity the principal of any of said bonds, then the deficiency shall be paid by the State Treasurer from any funds in the State treasury not otherwise appropriated.

Section 12. In order to enable the said operation to earn funds to pay operating expenses and interest on the bonds and to create a sinking fund for the retirement of the bonds, the said Commission shall have the right and power to fix from time to time reasonable rates of charges for services to all persons using said facilities and schedules of all rates, so fixed shall be filed with the State Public Service Commission within seven days after the fixing thereof. All private concerns, corporations or individuals operating similar facilities at Alabama seaports must make and collect charges which shall be not less than the charges so fixed by the said Commission for the use of the State's facilities.

Section 13. The Commission shall make to each regular session of the Legislature a report showing the indebtedness of the State created under this Act, the property acquired, the facilities owned, the results of the operation, and such other information as may be necessary to fully advise the Legislature of the status and progress of the improvement and development hereby authorized.

Section 14. The Governor and the Commission, respectively, are hereby directed and required to exercise the power and authority by this Act conferred upon them, respectively, to whatever extent is necessary to the accomplishment of the improvement and development hereby authorized. Any approval or consent by the Governor required by this Act shall be sufficiently evidenced by a certificate to that effect signed by the Governor and filed in the office of the State Treasurer, and approval or consent by the Commission shall be sufficiently shown by a certificate signed by the president of the Commission, attested by its secretary-treasurer and filed in the office of the State Treasurer.

Section 15. No officer, agent or clerical employee whose salary exceeds fifteen hundred dollars per annum shall be appointed, nor expenditure or obligation exceeding five thousand dollars be incurred by the Commission, without the approval of the Governor.

Section 16. No indebtedness incurred by the present board shall be paid out of any funds received by the Commission created under this bill.

Section 17. Said improvements shall be constructed in units and each unit of construction shall be completed before any other unit shall be begun, provided, however, that more than one unit

may be under construction at the same time, if the estimated combined costs of the units under construction at one time do not exceed three million dollars.

Section 18. That any license heretofore granted by the State of Alabama, either expressly or by implication, permitting the upland owner to occupy any part of the space between the channel of the Mobile river or the low water mark of the Mobile bay and the high water mark, may be revoked by resolution of the State Docks Commission whenever said State Docks Commission shall determine to make use of such property for the purpose contemplated by this Act, or may be suspended by resolution pending an investigation and decision as to whether or not such use shall be made; provided, however, that whenever such property has been or shall have been already improved by the upland owner his license to maintain such improvements and to exercise such control thereover as may have been conferred upon him by a license from the State shall not be revoked or suspended otherwise than in the exercise of the right of eminent domain by condemnation proceedings as long as such owner shall occupy such property with improvements appropriate and devoted to the use of such property as a facility to commence as is contemplated by such license. Whenever the State Docks Commission shall determine that any part of the property of the State above described is being occupied under a license from the State but that the improvements thereon are not being so maintained and used as facilities to commerce as reasonably to serve the purpose for which the license was granted and that it is desirable that this land should be improved by the State Docks Commission, then the State Docks Commission may by resolution call upon such owner of such improvements to put the same in such condition as reasonably to serve as such facilities to commerce within the purpose of the license under which they were erected, and if the said owner shall fail to comply with such resolution within a reasonable time then the State Docks Commission may file a bill in the circuit court of the circuit in which such land is situated for the cancellation of such license and if upon final hearing it shall be determined by the court that the said property is being occupied in violation of the intent and purpose of said license then the court shall by its decree cancel the same and the State Docks Commission shall then be entitled to proceed with the improvements thereof, provided further the use of such improvement by the upland owner shall in no event be disturbed until the State Docks Commission is ready to begin the improvement of the land so occupied thereby under the terms of this Act.

Section 19. No special meeting of the State Docks Commission shall be held without giving at least one week's notice in writing to each member and to the Governor unless each

member of said Commission and the Governor consent to such meeting in writing which consent must be shown of record. The Commission is required to keep accurate minutes of all its meetings, showing all proposed expenditures, the disposition of such proposition, the vote of each member of the Commission thereon. The Commission shall also require to be kept on file and subject to public examination, an itemized account of all expenditures authorized and made.

Section 20. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 21. If any section or provision of this Act be held unconstitutional, it shall not invalidate any other section or provision of this Act.

Approved Sept. 18, 1923.

No. 304.)

(H. 634. Rives.

AN ACT

To fix the compensation of Deputy Clerks of the Circuit Court, holding office and performing the duties of Circuit Court Clerks at any place other than the County site of such County, of all Counties having a population of more than two hundred thousand (200,000) according to the last or any subsequent federal census.

Section 1. *Be it enacted by the Legislature of Alabama.* That the Deputy Circuit Court Clerks holding office and performing the duties of Circuit Court Clerks at any place other than the County site of such County, of all Counties of the State of Alabama, having a population of more than two hundred thousand (200,000) according to the last or any subsequent federal census, shall receive a salary of four thousand eight hundred dollars per annum, payable in equal monthly installments.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. That this Act shall go into effect immediately after its passage and approval.

Approved Sept. 19, 1923.

No. 305.)

(H. 52. Deloney.

AN ACT

"To provide for the relief of Ennis Roy Jones and to authorize the payment to him out of the State Treasury of the sum of Five Hundred Dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such.

Section 1. Whereas Ennis Roy Jones was arrested by the Deputy Sheriff of Jefferson County, Alabama, and was by him delivered on the 1st. day of September, 1921, to the Convict Department of the State of Alabama by the name of John Henry Russell, who was an escaped convict from Lowndes County, Alabama and,

WHEREAS the said Ennis Roy Jones was held in the State Penitentiary of Alabama from the 1st. day of September, 1921, until the 4th. day of December, 1921, and caused to serve as a convict.

AND WHEREAS the said Ennis Roy Jones was released from said penitentiary because he was not John Henry Russell, as he was supposed to be, and whereas the said Ennis Roy Jones ought in good conscience to have compensation from the State for services rendered by him while so imprisoned; Now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, that the sum of Five Hundred Dollars (\$500.00) be, and is hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the purpose of compensating the said Ennis Roy Jones for said false imprisonment, and for his services rendered the State of Alabama while so imprisoned.

Section 2. Be it further enacted that the State Auditor is hereby authorized to draw his warrant in favor of the said Ennis Roy Jones on the State Treasury, in the sum of Five Hundred Dollars, for his relief, and to compensate him for the false imprisonment and for services rendered.

Approved Sept. 24, 1923.

No. 310.)

AN ACT

(H. 761. Goodwyn.

To provide and create a Commission form of Municipal Government and to establish same in all Cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last federal census, or any such census which may hereafter be taken: to regulate the selection and election of Commissioners and their terms of office to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government.

Be it enacted by the Legislature of Alabama:

Section 1. All cities of the State of Alabama which have a population of as many as twenty-five thousand and less than

fifty thousand people, according to the last Federal census, or which shall hereafter have such a population according to any census that may be taken hereafter, shall become organized under the commission form of government, according to the terms of this act, and shall be known as cities of Class "C."

Section 2. In all cities of the State of Alabama which have such population, according to the last Federal census, the Governor is authorized, during the year 1911, and required to appoint four persons, to hold office as commissioners of said city, who shall hold office from the second Monday in April, 1911, until the first Monday in October 1915, and until their successors shall be elected and shall qualify as hereinafter provided, but after the expiration of the terms of the first commissioners, i. e., the first Monday in October, 1915, there shall be but three commissioners for any such city. The term of office of each member of the board, including the president of the commissioners, after the expiration of the term hereinbefore provided, shall be four years, and until their successors shall be elected and shall qualify as hereinafter provided. The mayor, or chief executive of every such city, shall be and become on the second Monday in April, 1911, as provided herein, the president of the board of commissioners of such city, and shall hold office until the first Monday in October, 1915. It is the intention of this section that the commissioners appointed by the Governor in 1911, to take office on the second Monday in April, 1911, and shall hold office until the first Monday in October, 1915, and that the board of commissioners of any such city shall thereafter consist of only three members, who shall be elected by the voters of such city on the third Monday in September, 1915, and every four years thereafter.

Section 3. The provisions of this act shall apply to and become operative in all cities not now having but which shall hereafter have a population of as many as twenty-five thousand people, according to any Federal census that may be taken hereafter, and election may be called and such cities may become organized under this act in the same manner, as cities having the required population at the time of the passage of this act.

Section 4. The president and the commissioners provided for in this act shall be known collectively as the "Board of Commissioners of the City of _____" (name of city to be inserted), and shall be the members of the board of commissioners, and it shall have the powers and duties hereinafter provided. The first commissioners appointed under the provisions of this act shall qualify for office in the manner prescribed by this Act, and shall take office on the second Monday in April, 1911. As soon as they have qualified for office in any such city, then such city shall at that time and thereby be and become organized under the commission form of government provided by this act,

and said commissioners provided for by this act shall forthwith take office and enter upon their duties.

Section 5. The president of the board of commissioners and commissioners of such city, to be known as the board of commissioners of said city, as provided, shall be municipal officers only, and shall have, and possess and exercise, only the municipal powers, legislative, executive and judicial possessed and exercised by the mayor and board of aldermen, and any and all other boards, commission and officers of such city of any and of every sort whatsoever, except the powers conferred on the county board of health, and on the board of public safety, hereinafter created, insofar as they apply to said city, by State law, or by existing ordinances enacted by said city, except whatsoever power they may possess, expressly or impliedly as State officers, or such powers that are expressly or impliedly given by this act; and all such boards, commissioners and officers, except those provided by this act, shall then and there be abolished, and the terms of office of any and all such officers or officials shall then and thereby cease. Said board of commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the State or county, except when acting as a recorded, and then only as a committee magistrate, nor shall the offices held by them be State offices, except herein provided; such city shall continue its existence as a body corporate under the name of "City of" (inserting name of city.) It shall continue to be subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation not inconsistent with the provisions of this act, and shall continue to enjoy all the rights, immunities, powers, privileges and franchises then enjoyed by it, as well as those that may hereafter be granted to it, not inconsistent with the provisions of this act. All laws governing such city, and not inconsistent with the provisions of this act, shall apply to and govern said city after it shall become organized under the commission form of government provided by this act. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any city of this class, is hereby repealed. All laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization not inconsistent with the provisions of this act, shall remain in force until altered or repealed, according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or lia-

bility either in favor of it or against it and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this act. All employes of said city and all officials except those whose terms of office are abolished by this act shall continue in office until otherwise provided by said board of commissioners or the board of public safety of said city, provided that this withdrawal or transfer of powers shall not apply to the powers conferred on the county board of health in so far as they apply to said city, by State law or by existing city ordinances, nor shall they apply to the appointment of health officers for a city, nor to persons employed by such health officers to enforce quarantine under ordinances in force in the city.

Section 6. In cities having population of twenty-five thousand and less than fifty thousand, the management and control of the public schools therein shall be vested in a board of education which shall be composed of five members, who shall serve without compensation, and shall be qualified electors and residents of the respective cities, and who shall not be members of the board of commissioners. At the first regular meeting of the Board of Commissioners after organization, or as soon thereafter as may be practicable, at any regular meeting, the board of commissioners shall elect the members of the board of education, whose term of office, respectively, shall be one, two, three, four and five years. Annually thereafter, at the first regular meeting in April or as soon thereafter as may be practicable, at any regular meeting, the board of commissioners shall elect a member of the board of education whose term of office shall be five years, to succeed the member of the board of education whose term of office expires that year. In the event of a vacancy in the membership of the board of education by resignation or otherwise, the fact shall be reported to the board of commissioners, by the board, and the board of commissioners shall elect a person to fill such a vacancy for the unexpired term. At its first regular meeting in May, after the election of said board of education, or as soon thereafter as practicable and annually thereafter, the board of education shall elect from its membership a president and vice president. It shall also elect a clerk, who need not be a member of the board of education and may fix his compensation. The vice-president shall perform the duties of the president only when the president may be absent or unable to perform his duties. The board of education may fill any vacancy in any of the offices mentioned in this section. All property, real and personal and mixed, now held or hereafter acquired for school purposes, shall be held in trust for the use of the public schools of the city or town and no sale or purchase of real estate shall be made by any other than the board of edu-

cation of such city or town. The board of education shall have full and exclusive power, within the limits of the revenue appropriated for such purpose, or accruing to the use of the public schools, to purchase fixtures, furniture, apparatus, libraries, fuel and supplies for the use of the schools, and to sell the same, and to make expenditures for the maintenance and repair of the school grounds, buildings, and other property, to purchase sites and to establish and build new schools when such sites have been provided by the board of education and to superintend the erection thereof; to make additions, alterations, and repairs to the buildings and property devoted to school uses, and to make necessary and proper regulations, contracts and agreements in relation to such matters. All such contracts shall inure to the benefit of the public schools and in a suit at law or in equity, brought upon them and for the recovery and protection of money and property belonging to and used by the public schools, or for damages, shall be brought by and in the name of the city. Each year the board of education shall make an estimate, in detail, of the amount of money required for the proper support and maintenance of the public schools during the next scholastic year, which shall be submitted to the board of commissioners and the board of commissioners shall make annual appropriations for the support and maintenance of the schools that it may deem necessary and proper, in view of all other needs of the government of the city, and of the expected revenues from taxes and otherwise. Money so appropriated, and all money received from the school fund of the State, poll taxes and the sale of school property, and the sale of bonds for school purposes, and from any other source whatever, for school purposes, shall be held by the treasurer of the city, as a special fund or funds for school purposes, and it shall be paid out by him on warrants drawn by the clerk of the board, and countersigned by the president, or vice president, when acting as president of the board of education, and by the clerk of the city, and not otherwise. And no warrants shall be drawn unless in pursuance of a resolution of the board of education, entered upon its minutes. The board of education shall have full control of the public school of the city or town. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any city of this class, is hereby repealed. It shall have power to establish schools, to discontinue any school, to consolidate schools; to prescribe courses of study and books to be used, not in conflict with the general law in reference to text books, to divide the city into school divisions as circumstances may require, to employ teachers and superintendent of schools,

and necessary employees, and to fix their salaries and wages, to establish and maintain high schools and prescribe rules, for the expulsion of pupils, to expel any pupil guilty of gross disobedience or willful misconduct; to dismiss any superintendent, teacher, or employee, when in its opinion the interest of the school require it, and generally to have and exercise all rights, powers and authority required for the management of a system of public schools. To designate amount to be paid by non-residents of the districts whether owners of property or not, who desire their children to be enrolled. It shall be the duty of the board of education to examine or cause to be examined all persons at times and places fixed by it, offering as candidates for teachers' places, and when found qualified to give them certificates of qualification, gratuitously, to grant diplomas without charge to graduates of the high schools, to visit all schools as often as once a month, to establish and uniformly enforce proper rules and regulations, to inquire into the performance of their duties by the teachers and superintendent, and into the progress of the pupils, and to prepare and submit to the board of commissioners an annual report showing the operation of the schools for the past scholastic year and suggesting their needs for the future. It shall be the duty of the board of education to elect a superintendent of schools, fix his term of office and salary, prescribe his powers and duties. The superintendent shall be required to give bond for the faithful performance of his duties which shall be payable to said city in the sum to be fixed by the board, not less than three thousand dollars, with surety or sureties to be approved by the president of the board, the bond to be filed with the clerk of the city or town. The superintendent may be elected clerk of the board of education, and if so elected his bond shall stand as security for the faithful performance of his duties as clerk as well as superintendent however conditioned. It shall be the duty of the clerk of the board of education to keep full and correct detail account of all money received and expended. The superintendent shall attend to the taking of the school census, which shall be taken in the month of April, of each year, and it shall be his duty to make complete and accurate reports of the same to the superintendent of education of the State. Each incorporated city or town as a special district or embraced therein, shall receive its proportionate share of the public school revenue, to be paid over by the State superintendent of education direct to the city superintendent of schools, and by him paid over to the city treasurer.

Section 7. Every city organized under the form of government provided for by this act, shall be governed and managed by the board of commissioners provided for herein, except as otherwise provided herein. Each and every officer and employee of

said city except the board of public safety, policemen, firemen and others holding under the board of public safety and the health officer and such persons as may be employed by him to enforce quarantine, and such other officers and employees as are designated in this act shall be selected and employed by the said board of commissioners, under its direction, and all salaries and wages paid by said city except as otherwise provided by the terms of this act, shall be fixed by said board of commissioners. Where not otherwise provided in this act, the commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the title of city health officer and those holding under the board of public safety, all of whom except those herein otherwise specified, shall hold office and be removable at the pleasure of the board of commissioners, except the board of public safety, members of the police and fire departments, and except such other employees whose employment, term of office, removal and the prescription of whose duties are otherwise provided for in this act. The powers and duties of the board of commissioners in such cities shall be distributed into and among three departments, as follows: (1) Department of public affairs; (2) department of finance; (3) Department of public works. The powers and duties pertaining to each of said departments shall be fixed by the said board of commissioners, and altered from time to time as they may deem best, and the departments of police and fire shall be under the board of public safety, as herein provided.

Section 8. Said board of commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said board from time to time, and publicly announced by it, and it may hold such adjourned, called and other meetings as may be necessary or convenient. The president of the board, when present, shall preside at all meetings of said board, but shall have no veto power. A majority of the total number of members of said board shall constitute a quorum for the transaction of any and every business to be done by said board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said board shall be necessary and sufficient for the passage of any resolution by law or ordinance, for the transaction of any business of any sort by said board or the exercise of any of the powers conferred upon it by the terms of this act or that may be hereafter conferred upon it, by this act. This provision shall not be construed, however, so as to prevent the said board from delegating or assigning to one or more of its members, or to such boards, commissions, officers or employees as may be created or selected by it, the performance of such executive or judicial duties, and powers

that are by this act vested in said board of commissioners, as may be necessary or convenient, provided the same is done by resolution, by law or ordinance duly enacted according to the terms of this act, where not otherwise provided, provided the said board shall not have any power or authority that conflicts with the power and authority of the board of public safety. All meetings of said boards of commissioners shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, enacting any regulations, concerning the public comfort, the public safety, or public health or of any other general or permanent nature, shall be enacted, except at a regular or adjourned public meeting of said board, provided that a meeting of the board of commissioners of the city of..... may be called at any time to consider and act upon an emergency that involves the public safety or public health, when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the yeas and nays thereon shall be recorded, a record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by the board of commissioners must be recorded in such book and a record of the proceedings of the meeting be signed by at least two of the commissioners before the action taken shall be effective, such record shall be kept available for inspection by all citizens of such city, at all reasonable times.

Section 9. No resolution, by-law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized under the provisions of this act, either in, under, upon, along, through or over same shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners, and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks, in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening between the final passage and the expiration of the thirty days during which publication shall be made, as above provided, the legally qualified voters of said city may, by written petition or petitions, addressed to said board of commissioners, object to such grant, and if, during said period, such written petition or petitions signed by at least a thousand legally qualified voters of such city shall be filed with said board of commissioners, said board shall forthwith order an election at which

election the legally qualified voters of said city shall vote for or against the proposed grant, as set forth in the said by-law, resolution or ordinance. In the call for said election, the said resolution, by-law or ordinance, making said grant, shall be published in said city, by one publication. If at such election, the majority of the votes cast shall be in favor of said ordinance, and the making of the said proposed grant, the same shall thereupon become effective, but if a majority of the votes so cast shall be against the passage of the said resolution, by-law or ordinance and against the making of said grant, the said by-law, resolution or ordinance shall not become effective, nor shall it confer any rights, powers or privileges of any kind, and it shall be the duty of the said board of commissioners, after such result of said election shall be determined to pass a resolution or ordinance to that effect. No grant of any franchise, or lease, or right of user, or any other right, in, under, upon, along, through or over the streets, public highways, thoroughfares or public property of any such city shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance, duly passed by the board of commissioners, at some regular or adjourned public meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given, except in the manner and subject to all the conditions, herein provided for, as to the original grant of same. It is expressly provided, however, that the provisions of this section shall not apply to the grant of side tracks or switching privileges to any railroad, or street car company for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said side track or switch shall not extend for a greater distance than one thousand three hundred and twenty (1,320) feet. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any city of this class, is hereby repealed. All franchises or privileges heretofore granted, which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this act, are hereby declared forfeited and of no validity and it shall be the duty of the commission to carry out the provisions of this section by the enactment of ordinances repealing said franchises, provided this section shall not apply to any franchise in which the ordinance granting the same shall have fixed a time within which work shall commence or be completed there-

under, and such time shall not have expired at the time of the adoption of this act. No exclusive franchise shall ever be granted, and no franchise shall ever be granted for a longer term than thirty years, and no franchise shall be renewed before one and one-half years of its expiration. When any person or corporation holding a franchise for the location, construction or operation of a railroad over a portion of any street and said franchise has not expired, shall subsequently apply for a franchise to locate, construct or operate a railroad on any portion of the same street or upon any other street in connection therewith, said second franchise shall only be granted for the unexpired term of first franchise. No such grant, right, privilege or franchise shall ever be made to any person, firm or corporation or association unless it provides for adequate compensation or consideration therefor to be paid to such city, and in addition to any other form or compensation, any such grantee shall pay annually such fixed charge as may be prescribed in the franchise ordinance. Whenever any such grant, right, privilege or franchise provides for the payment of a percent of the gross receipts, such grantee shall make and report to the commission all its gross earnings once in six months, and pay into the treasury the amounts due such city at the time said report is made. Said commission shall also have access to and the right to examine all books, receipts, files, records and documents of any such grantees to verify the correctness of such semi-annual statements and to correct the same if found to be erroneous. If such statement of earnings be incorrect, then such payment shall be made upon such corrected statement. Every ordinance granting any franchise may provide that at the expiration of the period for which the franchise was granted, or at any time before, as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself, the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and the property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant

of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance. No franchise granted by the city shall ever be leased, assigned or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. Where the municipality is the owner of and operates a public utility plant, no franchise shall be granted to any person or corporation to operate any competitive plant unless approved first by a vote of the majority of the qualified electors of such municipality, at an election held in accordance with the provisions of this act.

Section 10. That for the advancement of the interest of the city the commissioners may make expenditures for the advertisement of the advantages of the locality and may make contributions together with its commercial organization for that purpose.

Section 11. In every city which shall become organized according to the provisions of this act, an initial election shall be held on the third Monday in September 1915 for the election of three commissioners and of the three commissioners elected, that one who received the highest number of votes at the initial election shall be president of the commission and shall have the powers of the president herein provided for in this act. Thereafter an election shall be held on the third Monday in May, 1919, and on the same day of every fourth succeeding year, for the election of the president and two other members of the board of commissioners to hold office for a term of four years from the first Monday in October in said year and until their successors shall be elected and shall qualify for office. Any person desiring to become a candidate at any election except those by the commission which may be held according to the terms of this act for the office of president of the board or other commissioner may become such candidate by filing in the office of the Judge of probate of the county in which said city is situated a statement of such candidacy accompanied by an affidavit taken and certified by said Judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty one days before the day set for such election and shall be substantially in the following form: "State of Alabama (..... County), I, the undersigned, being first duly sworn depose and say that I am a citizen of the city of in said State and County and reside at

..... in said city; that I desire to become a candidate for the office of in said city for the term of years at the election of said office to be held on the day of next; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. (Signed) Subscribed and sworn to before me by said on the day of 19..... and filed in this office for record on said day. Judge of Probate." Said statement shall be accompanied by a petition signed by at least one hundred persons who shall be qualified to vote at said coming election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses and said petition shall be substantially like the following: "We, the undersigned duly qualified electors of the city of and residing at the places set opposite our respective names, do hereby request that the name of be placed upon the official ballot as a candidate for the office of in said city for the term of years at the election to be held in this city on the day of next. We further state that we know said to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office. Witness our hand on this the day of 19....." At every such election all ballots to be used by the voters shall be printed and prepared by the said city at its expense and shall contain the names of all candidates placed in alphabetical order, directly underneath the words "For President of the Board of Commissioners" "For Commissioners," as the case may be. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to the provisions as above set forth; and no ballot shall be used at any such election except the official ballot prepared by the city. At every such election the president of the board of commissioners of said city, the sheriff of the county in which said city is situated and the clerk of the circuit court of the county in which such city is situated, or a majority of them acting as an appointing board, must, not more than ten nor less than five days before the holding of such election, appoint from the qualified electors of the respective voting places three inspectors and two clerks for each place of voting, and a returning officer for each precinct, to act at the place of holding elections in each precinct in such city.

Section 12. At every election each voter shall vote for one candidate for each office to be filled and no ballot shall be counted

which fails to comply with this requirement, and the candidates receiving the highest number of votes for such office shall be elected thereto, provided he received a majority of all the votes cast for such office. In no case no one or more of such candidates shall receive a majority of all such votes cast for the office for which he is a candidate another election shall be held on the same day of the following week for said office, at which not more than twice the number of candidates for the several offices to be filled shall be voted for, being those who receive the highest number of votes in said election. The candidate receiving the highest number of votes in said election shall be declared elected.

Section 13. No person shall be eligible to the office of president or member of the board of commissioners of any such city who is not duly qualified to vote in said city. In case any person, after he shall have been elected and duly qualified as such commissioner, shall be declared ineligible to hold such office a successor shall be chosen as in case of a vacancy by death, resignation or from any other cause.

Section 14. Every person who shall be elected to the office of commissioner in any city organized according to the provisions of this act, shall on or before the first Monday of the month preceding his election, qualify by making oath that he is eligible for said office, and will execute the duties of the same according to the best of his knowledge and ability. Said oath shall be administered by the retiring mayor or president of the board of commissioners of such city, or by a notary public. The term of office of every said commissioner shall begin on the first Monday of October succeeding the election, except as may be otherwise expressly provided by this act. Each commissioner shall before entering upon the duties of this office, give a good and sufficient bond, which may be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of any such city, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty or misfeasance in office or for the willful expenditure of any moneys of such city, in violation of law, and said bond before being accepted, shall be approved by the Judge of Probate in and for the county wherein such city is situated. The premiums on said bond shall be paid out of the city treasury. No member of the commission nor any person holding an office of profit under them, shall hold any office of profit or trust under the laws of any State or the United States, or hold any county or other city office; nor shall the commission or any commissioner ever be elected or appointed to any office created by or the compensation of which was increased or fixed by the commission, while he was a member thereof, within two years therefrom.

Section 15. No ordinance passed by the commission, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public health or safety, which contains a statement of its urgency and is passed by a unanimous vote of the commission shall go into effect before ten days from the time of the final passage, and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast at the last general municipal election held in said city protesting against the passage of said ordinance, be presented to the commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance, and if the same is not entirely repealed, the commission shall submit the ordinance to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition and election shall be in all respects in accordance with the provisions of this act, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any city of this class, is hereby repealed.

Section 16. Whenever any vacancy shall occur in the office of the President of the board or any other commissioner of any city organized under the terms of this act then the remaining commissioners of such city shall order an election to be held not less than thirty, nor more than forty days from the date such vacancy occurs, at which election a successor to said office to hold office for his unexpired term shall be voted for. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in such city. Any person desiring to become a candidate for such office at such election shall qualify as provided herein and upon his so doing his name shall be placed upon the official ballot used in said election. The person who shall be elected to such office at such election shall qualify for office as soon as practicable and shall hold office for the unexpired term of his predecessor.

Section 17. Until the first Monday in October 1915 the salary of the president of the commission shall be forty-five hundred dollars (\$4,500.00) per annum payable in monthly installments at the end of each calendar month out of the city treasury. After the first Monday in October 1915 and until the first

Monday in October 1919, the salary of the president of the commission shall be three thousand dollars per annum payable in monthly installments of two hundred and fifty dollars at the end of every calendar month out of the city treasury. After the first Monday in October 1919 the salary of the president of the commission shall be forty-five hundred dollars per annum payable in equal monthly installments at the end of each calendar month out of the city treasury. After the first Monday in October 1919 the salary of each of the other commissioners shall be thirty-six hundred dollars per annum, which shall be paid out of the city treasury in equal monthly installments at the end of each calendar month. After the first Monday in October 1923, the salary of the President of the Commission shall be \$6,000 per annum, payable in equal monthly installments at the end of each calendar month out of the City Treasury. After the first Monday in October 1923, the salary of each of the other Commissioners shall be \$4,500 per annum, payable in equal monthly installments at the end of each calendar month out of the City Treasury.

Section 18. The employees of cities organized under this act, shall, except as herein otherwise provided, be elected by the commissioners solely on account of their fitness, and without regard to their political affiliations. It shall be unlawful to hold party caucuses or primaries for the purpose of nominating any commissioner or any officer or employee of such city and any person who shall solicit or accept a party nomination for said offices shall be thereby rendered ineligible for such office or any other office under said city for a period of one year thereafter.

Section 19. It shall be unlawful for any candidate for office or any officer in such city directly or indirectly to give or promise any person or persons any office, position, employment, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons. Every commissioner elected by popular vote in any such city shall, within thirty days after qualifying, file with the judge of probate of the county and the same shall be published at least once in a newspaper of general circulation in such city, his sworn itemized statement of all his election and campaigning expenses and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor punishable by a fine of not more than three hundred dollars and be a ground for removal from office.

Section 20. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, for the profits thereof, or service to be furnished or performed for the city; and no such officer or employee shall be interested, directly or indirectly, in any

contract for work or materials or the profits thereof or services to be furnished or performed for any person, firm, or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, or telephone exchange, within the territorial limits of said city. No such commissioner or other official of such city shall be interested in, or any employee or attorney of any corporation operating any public service utility hereinabove mentioned and described in this section within said city. No such officer or employee shall accept or receive, directly or indirectly, from any person firm or corporation, operating within the territorial limits of said city, any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value or any service upon terms more favorable than are granted to the public generally. Any violations of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor to policemen in the discharge of their duty, nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section. Any officer or employee of such city, who by solicitation or otherwise shall exert his influence, directly or indirectly, to influence other officers or employees of such city to favor any particular person or candidate for office of commissioner of said city or who shall in any manner contribute money, labor, or other valuable thing to aid in the election of any person as commissioner of said city shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding there hundred dollars and may also be imprisoned in the county jail for a term not exceeding thirty days.

Section 21. That all police officers and policemen, all officers of the fire department and firemen in any city organized under the provisions of this act who shall have honorably served in and been a member of the police or fire department of any such city, or of the municipal organization, for twenty years continuously, which such city has immediately succeeded, and who shall have attained the age of fifty years, shall upon his application in writing to the commission of such city, be relieved

and retired from active service in such police department or fire department, upon half pay, that is to say, said policeman or fireman upon being so retired, shall receive and be paid for and during his natural life an amount of money equal to one-half the salary or pay which such policeman or fireman was receiving at the time of making such application, the same to be paid monthly out of any funds that may be in the treasury of such city, not otherwise appropriated, provided, that the amount to be paid to any one employee hereunder shall not exceed forty dollars per month. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any city of this class, is hereby repealed. That any officer or policeman or fireman in any such city who shall have become permanently disabled, by reason of any injury received while in the service as a member of said police or fire department, shall, upon his application in writing to the board of commissioners be relieved and retired from active service in said police or fire department upon half pay, that is to say such fireman or policeman, upon being so retired, shall receive each month an amount of money equal to one-half the salary or pay which such fireman or policeman was receiving at the time of receiving such injury while in the discharge of his duties as an officer, the same to be paid, monthly, out of any funds in the city treasury. The board of commissioners shall determine and pass upon whether such disability complained of is permanent or not, and to this end shall receive any evidence in testimony offered by such applicant and may hear and consider any other testimony or evidence which the said commission or other body shall cause to come before it; and shall render judgment in said cause, which shall be kept in the minutes of the proceedings of such commission, whether it shall come to the knowledge of such commission that any fireman or policeman whom they had adjudged to be permanently disabled has recovered from such disability, so as to enable him to earn a livelihood, then the commission may reconsider its former action and withdraw from such fireman or policeman for the future, the aforesaid half pay. Provided further, that the monthly payment to any fireman or policeman on account of permanent disability as provided in this section shall not exceed as to any one such fireman or policeman, the sum of forty dollars per month. The board of commissioners is authorized to make all necessary or proper rules and regulations effectuating the intention of this section. Any officer or policeman who shall avail himself of the provisions of this section, shall nevertheless remain members of said police department and while relieved of regular duty shall constitute a reserve of said police department, and be at all times subject

to the performance of any duty that may be required by the governing body of said city; provided that no such fireman or policeman who possesses independent means of livelihood shall come within the provisions of this section.

Section 22. The commission shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspaper of the city and to persons who apply therefor. At the end of each year the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures. And the Governor is authorized at any time to have all the books and accounts of such city examined by State examiner of public accounts, the cost of such examination to be paid by such city, upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expenses made by such examiner of public accounts, approved by the Governor.

Section 23. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any election provided for in this act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, any person making false answer to any of the provisions of this act relative to his qualifications to vote at said election (any election), any person willfully voting or offering to vote at such election who has not been a resident of this State for two years next preceding such election, or who is not twenty-one years of age, or not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct, where he offers to vote, any person knowingly procuring, aiding or abetting any violations thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than one hundred dollar nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Section 24. Any employee of any such city who solicits support for any candidate for commissioner or any such employee who shall endeavor to influence any voter to vote for or against any candidate for commissioner, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars, and may also be imprisoned in the county jail for not more than ten days. Justice of the peace and judges of the inferior courts shall, within their respective territories, have jurisdiction of this offense, and any person convicted of violating the provisions of this section, shall be ineligible to

hold office or employment under such city for two years succeeding such conviction.

Section 25. Effective the first Monday in October 1919, there is hereby created in every such city the officer of recorder of such city, and it shall be the duty of the board of commissioners of such city as soon after said date as is practicable to elect a recorder for such city, who shall have all the powers and jurisdiction which now is or hereafter may be conferred by law upon recorders of cities in the State of Alabama. Such recorder shall hold office at the pleasure of the board of commissioners and said board of commissioners shall fix his compensation and the manner and time of its payment. Whenever the recorder shall be unable for any reason to perform the duties of his office then the said board of commissioners shall designate one of their number to act during the disability of the said recorder, and such commissioner when acting as recorder shall have all the powers and jurisdiction conferred by law upon recorders in the State of Alabama. No fines, penalties or other form of punishment fixed by such recorder shall be set aside except with the consent and sanction of two commissioners in writing, which consent shall set forth the reason for such action. A record of all such remissions shall be kept by the board of commissioners in a well bound book, which shall be open to the public inspection at all reasonable hours. Provided that no person shall be eligible to the office of recorder of such city who is not a duly qualified elector of such city and who shall not have been admitted to the practice of law in the State of Alabama.

Section 26. All general laws of this state regulating and prescribing the conduct of municipal elections, and the qualifications and registration of voters thereat, shall apply to elections hereunder except so far as expressly modified herein.

Section 27. The judge of probate of the county in which are located the cities covered by this act shall record in a well bound book kept for that purpose all papers required to be filed with him under the terms of this act, and shall receive therefor the compensation allowed by law for recording deeds.

Section 28. It shall be unlawful for any candidate for commissioner, or for any other person in his behalf, to hire, or pay, or agree to pay, any person to solicit votes at the polls on election, and unlawful for any person to accept such hire, or make such contract for pay to solicit votes for commissioners; and any person violating this section shall be guilty of a misdemeanor, and may be punished by a fine not to exceed five hundred dollars for each offense, and the candidate violating this section shall thereby be disqualified for and rendered ineligible to the office sought.

Section 29. No candidate for the office of commissioner can

lawfully expend more than one thousand dollars of his own funds, and of funds contributed by others in aiding his candidacy in any one election. Any person violating the provisions of this section shall thereby be disqualified from holding said office, if successful, and his election may be contested on that ground. No person but a qualified voter shall sign any petition authorized by this act. All petitions must contain the certificate of the probate judge as to the requisite number of voters required and it shall be the duty of the probate judge of the county to ascertain that such petition does contain the requisite number of voters and attach his certificate to such a petition. The probate judge shall receive as compensation for such services ten cents for each name up to and including one hundred and (2) cents for each name over that number which said petition may contain. Security for the payment of such cost to be approved by the probate judge must be given at the time of the presentation of the petition by the person or persons filing the same.

Section 30. The petitions provided by this act may be by a number of separate instruments as well as by one instrument. No person but a qualified voter shall sign any petition provided by this act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor punishable by fine not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature.

Section 31. Any city which shall have operated for more than four years under the provisions of this act may abandon such organization hereunder, and accept the provision of the general laws of the state then applicable to cities of its population by proceeding as follows: Upon the petition of not less than one thousand qualified electors of such city a special election shall be called at which the following proposition only shall be submitted: "Shall the city of abandon its present organization and become a city under the general laws governing cities of like population?" If a majority of the votes cast at such special election shall be in favor of such proposition the officers elected at the next succeeding election shall be those then prescribed by the general laws of the State for cities of like population, and upon the qualification of such officers, such city shall become a city under such general law of the State, and the terms of office of the city under the commission shall expire. The sufficiency of such petition shall be determined, the election ordered and the conduct and the results declared as provided in this act for other special elections, in so

far as the provisions thereof are applicable. If any section or provision of this act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision of such act which is not of itself void or unconstitutional.

Section 32. Every officer or employee of any city organized under the provisions of this act and who has been or may be selected or elected by the board of commissioners, of such city, or whose compensation either wholly or in part is paid out of the treasury of such city, shall be selected or elected by the board of commissioners of such city, shall hold office at the pleasure of the board of commissioners and shall be removable by the board of commissioners.

Section 33. All laws and parts of laws, both local and general, in conflict with the provisions of this act, are hereby repealed. This act shall take effect immediately.

Approved Sept. 18, 1923.

No. 317.)

AN ACT

(S. 423. Inzer.

To provide for the relief of Alto V. Jester who was permanently disabled in the Military Service of the State of Alabama during emergency Military duty in the mineral districts of the State of Alabama, 1920-21.

WHEREAS Alto V. Jester, a citizen of the State of Alabama, was permanently disabled without fault on his part, in the Military Service of the State of Alabama during the emergency military duty in the mineral districts, 1920-21; and

WHEREAS there is no provision whereby he is entitled to compensation from the State:

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the general treasury of the State of Alabama the sum of \$50.00 per month to said Alto V. Jester.

Section 2. The monies appropriated by section 1 of this Act shall be paid monthly on warrants drawn by the State Auditor on the Treasurer of the State of Alabama, through the Military Department of the State, each for the amount of \$50.00, and payable to Alto V. Jester; provided: That the provisions of sections 1 and 2 shall become inoperative when the said Alto V. Jester has been rehabilitated under the provisions of the State Industrial Rehabilitation Law and reached maximum possible physical improvement.

Section 3. That this Act shall become effective on the date of approval by the Governor.

Approved Sept. 24, 1923.

No. 318.)

(S. 424. Inzer.

AN ACT

To provide for the relief of Clifton E. Clement who was permanently disabled in the Military Service of the State of Alabama during emergency Military duty in the mineral districts of the State of Alabama 1920-21.

WHEREAS Clifton E. Clement, a citizen of the State of Alabama, was permanently disabled without fault on his part, in the Military Service of the State of Alabama during the emergency military duty in the mineral districts, 1920-21;

AND WHEREAS there is no provision whereby he is entitled to compensation from the State;

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the general treasury of the State of Alabama the sum of \$50.00 per month to said Clifton E. Clement.

Section 2. The monies appropriated by section 1 of this Act shall be paid monthly on warrants drawn by the State Auditor on the Treasurer of the State of Alabama, through the Military Department of the State, each for the amount of \$50.00, and payable to Clifton E. Clement; provided: That the provisions of sections 1 and 2 shall become inoperative when the said Clifton E. Clement has been rehabilitated under the provisions of the State Industrial Rehabilitation Law and reached maximum possible physical improvement.

Section 3. That this Act shall become effective on the date of approval by the Governor.

Approved Sept. 24, 1923.

No. 319.)

(S. 412. Craft.

AN ACT

To authorize municipal corporations having a population of 60,000 or more inhabitants according to the last or any subsequent Federal census, to improve streets and sidewalks and sections of streets and sidewalks by the construction of electric lighting systems known as "white ways," and to charge the cost, to the property owners abutting on and to which the system known as "white way" lighting serves in the ornamental decorating and lighting of the street upon which the property butts; provided such lighting system shall not include overhead street lighting; and to provide that such municipal corporations shall maintain such lighting systems after they have been established, and shall pay for the cost of the current and the expense of such maintenance:

Be it enacted by the Legislature of Alabama:

Section 1. That municipal corporations in this State, having a population of 60,000 or more inhabitants according to the

last or any subsequent Federal census, are authorized and empowered to improve streets and sidewalks and sections of streets and sidewalks by the construction of electric lighting systems on or at the sides thereof commonly known as "white ways," and to charge the expense thereof; to the property owners abutting on and to which the system known as "white way" lighting serve in the ornamental decorating and lighting of the street upon which the property butts; provided, however, that the foregoing authority shall not be construed to authorize such municipal corporations to construct overhead lighting systems at the expense of abutting or adjacent property:

Section 2. That all municipal corporations that shall establish and construct electric lighting systems known as "white ways" on their streets or sidewalks shall thereafter maintain such improvement at the expense of the municipality and shall provide and pay for the necessary current.

Section 3. All laws or parts of laws in conflict herewith, either general or local, are hereby repealed.

Approved Sept. 19, 1923.

No. 325.)

AN ACT

(S. 416. Inzer.

To make appropriations to the Alabama College, the University of Alabama and the Alabama Polytechnic Institute.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated and made available to the Alabama College for each year of the quadrennium beginning October 1, 1923, a sum equal to the appropriations made and available to said Institute for the fiscal year 1922-23.

Section 2. That there is hereby appropriated and made available to the University of Alabama for each year of the quadrennium beginning October 1, 1923, a sum equal to the appropriations made and available to said University of Alabama for the fiscal year 1922-23.

Section 3. That there is hereby appropriated and made available to the Alabama Polytechnic Institute for each year of the quadrennium beginning October 1, 1923, a sum equal to the appropriations made and available to said Alabama Polytechnic Institute for the fiscal year 1922-23, except the State appropriations made to secure the benefit of the appropriations by the Act of Congress of the United States, approved May 8, 1914 and generally known as the Smith-Lever Act. The Act of the Alabama Legislature making State appropriations to secure the

benefit of the said Federal Smith-Lever Fund shall remain in force and the appropriation remain available as provided for by said State Act.

Section 4. That it is the purpose and intent of this Act that the monies appropriated by this Act to each of said institutions shall be devoted by each of said institutions to the same purposes, annually, and in the same amounts as now provided by the laws making appropriations to each of said institutions for the fiscal year ending September 30th, 1923: except that the provisions of this Section shall in no way affect the appropriations mentioned in Section 3 of this Act to secure the benefit of the Federal Smith-Lever Fund.

Approved Sept. 24, 1923.

No. 329.)

(H. J. R. 229. Goodwyn.

HOUSE JOINT RESOLUTION

WHEREAS, no man in Alabama has done more for the cause of Good Roads than John Craft, he having devoted more than a quarter of a century and spent freely of his substance in an effort to—"Take Alabama Out of the Mud" and

WHEREAS it is our desire to render honor where honor is due.

BE IT RESOLVED by the House, the Senate concurring, that the life and labors of John Craft as an unselfish and patriotic citizen is commended to all men.

RESOLVED further that a copy of these resolutions be filed in the Department of Archives and History.

Approved Sept. 24, 1923.

No. 338.)

(H. 368. L. K. Bowen.

AN ACT

To amend Section 5 of an Act entitled "An Act to further prescribe the duties of County Treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorneys; and to require the deposit of county funds," approved October 31, 1921.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 5 of an act entitled "An Act to further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers; and for the

compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds," approved October 31, 1921, be amended so as to read as follows: Section 5. Be it further enacted that such county treasurer of all counties in this State having a population of more than two hundred thousand and according to the last or any subsequent Federal Census are hereby authorized and empowered to employ one clerk, whose compensation or salary shall be three thousand, six hundred (\$3,600.00) dollars per annum, to be paid in equal monthly installments on the order or warrant of said county treasurer from the funds of the county not otherwise appropriated, one clerk, whose compensation or salary shall be two thousand, four hundred (\$2,400.00) dollars per annum to be paid in equal monthly installments on the order or warrant of said county treasurer from the funds of the county not otherwise appropriated; one clerk, whose compensation or salary shall be one thousand, eight hundred (\$1,800.00) dollars per annum, to be paid in equal monthly installments on the order or warrant of said county treasurer from the funds of the county not otherwise appropriated. The deputy treasurers at the places in said counties other than at the county sites of such counties for transaction of business shall be paid two thousand, four hundred (\$2,400.00) dollars per annum in equal monthly installments out of the County treasury on the order or warrant of such treasurers. Provided that one of the clerks herein named shall act as Auditor of said counties.

Approved Sept. 20, 1923.

No. 341.)

AN ACT

(H. 658. Holcombe.

"To provide for the employment, discharge and compensation of road patrolmen in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal Census and to define their duties."

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal census, the Sheriff is hereby given authority to appoint as many patrolmen as he may deem necessary, not to exceed three, to patrol the public highways of said county for the purpose of enforcing the Motor Vehicle and all laws on the Statute books relating to the operation of Automobiles and Motor Vehicles on the Public Highways, of such counties and all traffic laws on the Statute books of the State of Alabama, provided, however, that before such appointments shall be effective they shall be submitted by

such Sheriff to the Board of County Commissioners, Board of Revenue and Road Commissioners, or like body, in such county, and such appointments shall be approved by such body, which approval shall be evidenced by resolution of such body spread upon its minute book.

Section 2. In event the Board of county commissioners, Board of Revenue and Road Commissioners, or like body, in any of such counties, shall approve of such appointments, then it shall be the duty of such body to fix the compensation to be paid such patrolmen, which compensation shall not exceed \$150.00 per month for each patrolman, such compensation to be paid by warrant upon the County Treasurer or County Depository, and payable out of the general funds of such county.

Section 3. All patrolmen appointed and employed under the provisions of this Act shall hold office at the will of the Sheriff so appointing them, but not beyond the expiration of the term of such Sheriff, and during their tenure of office they shall be vested with all the power and authority of a Deputy Sheriff in making arrests of any person who shall violate any of the Motor Vehicle and all traffic laws on the Statute Books of Alabama in their respective counties.

Section 4. The Board of County Commissioners, Board of Revenue and Road Commissioners, or like body, in all of such counties, is hereby given authority to purchase such Motor Vehicles and other equipment, including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such motor vehicles or other equipment, as may be necessary for the use of the patrolmen appointed and employed under the provisions of this Act.

Section 5. Nothing contained in this Act shall be construed as making it obligatory upon the Sheriff of any of such counties to make such appointments unless such Sheriff deems this course necessary, nor shall anything herein contained be construed as making it obligatory upon the Board of County Commissioners, Board of Revenue and Road Commissioners, or like body, in any of such counties to approve of such appointments made by the Sheriff of such county, or to provide for compensation of such patrolmen.

Section 6. Be it further enacted by the Legislature of Alabama that all laws, and parts of laws, general, local, private and special, in conflict with the provisions of this Act, be, and the same hereby are, repealed.

Section 7. This Act shall take effect from and after its passage and approval by the Governor.

Approved Sept. 24, 1923.

No. 351.)

(H. 242. Verner.

AN ACT

To authorize Circuit Court Judges, where the judicial district is composed of one county and has but one Judge, to appoint a regular court bailiff, and provide his term of office and salary.

Be it enacted by the Legislature of Alabama:

I. The Judge of any judicial district, where the district is composed of only one county and there is but one judge in the district, may, in his discretion, appoint a special court bailiff, who shall hold office during the pleasure of the judge appointing him, and whose term of office shall expire with the term of office of such judge, whether by death, resignation, expiration of the term for which he was elected, or appointed, or otherwise.

II. The Judge of such circuit court shall fix the salary of the bailiff at not exceeding one hundred and twenty-five dollars per month and the same shall be paid monthly on the order of the judge of the circuit court out of the County Treasury.

Approved Sept. 24, 1923.

No. 354.)

(H. 703. Verner.

AN ACT

To fix the salaries and to provide for the payment thereof of the judges of all judicial circuits in the State of Alabama where the district is composed of only one county and has only one judge.

Be it enacted by the Legislature of Alabama: That from and after the passage of this Act, the salary of the judges of all judicial circuits in the State of Alabama, which are composed of one county and have only one judge, shall be Five Thousand Two Hundred (\$5,200.00) Dollars per annum, Four Thousand (\$4,000.00) Dollars of which amount shall be paid out of the State Treasury, as the judges' salaries of all other circuits are paid, and One Thousand Two Hundred (\$1,200.00) Dollars of which shall be paid out of the county treasury of the county composing the circuits, the same to be paid monthly on the warrant of the judge of such court, which shall be approved by the Judge of Probate of the county composing the circuit.

Approved Sept. 24, 1923.

No. 357.)

(H. J. R. 238. Verner.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, the Senate concurring: That the Legislature of Alabama deplores the continued agitation of the convict question in this State by certain newspapers, public agitators and ill-advised and misled citizens of the

State. Twice during the present session of the Legislature this question has been thoroughly, conscientiously and carefully considered. After such consideration it was disposed of in a manner in keeping with the best judgment of the Legislature and this Legislature now expresses the confident belief that the law governing convicts in Alabama is being carried out in strict accordance with the statutes, and that all convicts are receiving as good, careful and considerate treatment as they should receive and as the State is able to accord them. This Legislature believes that convicts should be treated in a humane manner and that prisons are created for the purpose of punishments provided by the laws of this State. This Legislature desires to go on record as condemning in as strong and dignified language as it can command the concerted effort of certain newspapers in this State to bring the name of our commonwealth in disrepute for motives which we can but designate as sinister.

Be it further resolved: That the Legislature of Alabama does hereby commend the Governor and the State Board of Convict Supervisors for the action taken in reference to quelling the insurrection and mutiny at Banner mines by certain desperate convicts imprisoned therein, and pledges to the Governor of Alabama and to the Convict Department the support of the entire State, moral and financial, in the upholding of the dignity of the Governor's office and respect for the laws.

Approved Sept. 24, 1923.

AN ACT

No. 358.)

(S. 172. Foster.

To amend An Act approved October 31, 1921, entitled An Act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Be it enacted by the Legislature of Alabama:

Section. 1 That An Act entitled "An Act to provide further for the construction, repair and maintenance of the public roads, bridges, and highways in this State." Approved October 31, 1921, be, and the same hereby is, amended so as to read as follows:

Section 1. "There is hereby created a State Highway Department for the State of Alabama which shall consist of a State Highway Commission of three members, no two of whom shall be from the same county, to be appointed by the Governor. The said Commissioners shall be bona fide residents and qualified voters of Alabama. Unless otherwise removed from office as is provided for in this Act the President of the Commission shall

serve for six years from date of appointment; one associate member shall serve for four years from date of appointment, and the other associate member shall serve for two years from date of appointment, after which the term of each member shall be four years unless sooner removed as is provided for in this Act. The Governor may remove any member as is now provided for by law for the removal of appointive officers by the Governor. All vacancies in the Commission shall be filled by appointment of the Governor for the unexpired term. Two members of the Commission shall constitute a quorum for the transaction of business of the State Highway Department. Notices of all meetings of the Commission shall be given by the Secretary of the Commission in such manner and under such rules and regulations as may be prescribed by the Commission. Each of the Commissioners shall execute a bond in such amount as the Governor may require, payable to the State, in some guaranty company doing business in Alabama."

Section 2. The State Highway Commission shall consider and determine all questions relating to the general policy of the State Highway Department and the conduct of its work and in the performance of its duties. It shall receive and consider the reports of the State Highway Engineer and act for the State Highway Department in all matters and in each instance shall determine what final action shall be taken upon the recommendations of the State Highway Engineer. It shall be the duty of the Department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this State; and to that end and for that purpose the department may with the consent and approval of the Governor disburse any moneys hereby or otherwise appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this State. On or before the first day of April in each year, it shall be the duty of the Department to submit a printed report to the Governor, stating as near as possible the number of miles of roads built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same and the location of materials suitable for road construction, showing where such roads, culverts and bridges have been constructed. The Department shall also recommend to the Governor and Legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the Governor and the Legislature.

Section 3. The Department shall have a seal and each member of the Commission shall have the power to administer oaths, make affidavits, and make certificates. The Department shall be provided with suitable offices at the State Capitol, or such

other places as the needs of the Department may require, but no office in any other place than the Capitol shall be established as an office of said Department without the consent and approval of the Governor in writing. All offices shall be kept open at such times as the business of the Department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the State and shall be the depository for all records of the State Highway Department. The State Highway Commissioners shall give their entire time to the duties of their office. One of the Commissioners shall be designated as Commissioner of Construction, and shall have charge of the construction of roads, bridges and culverts and devote his entire time thereto, except as his time may be required on matters coming before the entire Commission. The other of the Associate Commissioners shall be designated as Commissioner of Maintenance, and shall devote his time to the maintenance and repair of roads, bridges and culverts which have been or shall be constructed or taken over under authority of this act, and they shall see that the work is done in accordance with the plans of the Department. The salary of the President of the State Highway Commission shall be \$6,000.00, per annum, and the salaries of the two associate Commissioners shall be \$5,500.00 per annum, each. Said salaries shall be paid in monthly installments on warrants drawn by the Auditor. They shall also be paid their necessary traveling expenses when absent from the offices of the said Commission on business of the Highway Department upon itemized verified statements approved by the President of the said Commission and the Governor. Nothing in this section shall conflict with the jurisdiction, authority and duties of the Governor, the State Budget Commission and the Board of Convict Supervisors.

Section 4. The Commission shall elect a State Highway Engineer, whose election shall be approved by the Governor, who shall be a competent civil engineer, having had not less than six years responsible engineering experience of which not less than three years must have been in responsible highway engineering. The State Highway Engineer shall hold office at the pleasure of the Commission and his salary not to exceed six thousand dollars per annum, shall be fixed by the Commission with the approval of the Governor, and be payable monthly. The State Highway Engineer shall not be entitled to a vote on matters coming before or considered by the State Highway Commission. The State Highway Engineer shall also be allowed his actual and necessary traveling expenses as provided by law while engaged in the performance of his official duties and he shall give his whole time to the duties of his office. He shall take the constitutional oath of office and both he and such of

his assistants as the Governor may designate or require shall execute bonds, in amount to be fixed by the Governor payable to the State in some guaranty company doing business in Alabama, which bonds shall be approved by the Governor and conditioned upon the faithful and efficient performance of their official duties. The cost of premiums of such bond shall be paid by the State Highway Department. The State Highway Commission shall keep an official record of all its acts and doings. The Commission shall also employ such assistant engineers, chemist, clerks, stenographers, draftmen, foremen, and laborers as may be necessary for the proper carrying on the work of the State Highway Department and may fix their compensation and the time of payment which shall be paid out of the State Highway Fund. The State Highway Engineer with the approval of the Commission shall give such advice and assistance to all county and municipal officials with regard to the construction and maintenance of roads and bridges in the State as his time and other duties will permit and in accordance with the rules and regulations prescribed by the Department.

Section 5. Motor vehicles used by the State Highway Department, its officials or engineers shall not be subject to any State, county or municipal license.

Section 6. The attorney General of the State shall be ex-officio attorney for the State Highway Department and shall give such Department such legal counsel as it may require. He shall receive his necessary traveling expenses as provided by law when in the performance of the discharge of his duties as ex-officio attorney for said Department.

Section 7. The State Highway Commission shall keep on file in its office copies of all plans and specifications prepared by the State Highway Department and the files and records of such Department shall, under reasonable regulations, be kept open for inspection of the public at all reasonable hours. Certified copies of such records shall be received in evidence in all the courts of this State.

Section 8. The State Highway Department shall cause to be made and kept in its office a general highway map of the State which shall show all State Trunk Roads. It shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. It shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State Aid. It may at all reasonable times be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts and the Commission may also call

on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same. Any county or municipal official who wilfully and without just excuse fails or refuses to supply such information when requested by the Commission shall be guilty of a misdemeanor and upon conviction be fined not less than ten nor more than one hundred dollars. The State Highway Commission shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges, and culverts in the state where the funds of the State are used.

Section 9. There is hereby appropriated to the State Highway Department, for its use the entire net revenue derived by the State from the sale of motor vehicle, trailer and tractor licenses, and such other appropriations or funds, received by the State Highway Department shall be expended and accounted for as herein provided. Said State Highway Fund shall be paid out of the Treasury on the State Auditor's warrant drawn upon presentation to him of the certificate of the State Highway Commission signed by the President and approved by the Governor.

Section 10. All proceeds arising from the sale of State Highway Bonds and the revenue appropriated to the State Highway Department, when received by the State Treasurer shall be set aside in a special fund known as the State Highway fund, and be used for no other purpose than in the carrying out of the provisions of this Act. The Revenue derived by the State from the sale of motor vehicles, trailer and tractor licenses and all other appropriations shall be used for the following purposes, first, to provide a sinking fund sufficient for the retirement of the said road bonds as they shall mature, second, for the expenses of the Highway Department and for the maintenance of roads and bridges constructed under the provisions of this Act, third, for the purchase of supplies and material, live stock and machinery, and any balance for the construction of roads and bridges. Annually, at such times as they may deem most convenient or suitable, the State Highway Department, shall, out of said revenues, set apart a sum sufficient for the providing of said sinking fund and for the further expenses of the Highway Department and the maintenance of constructed roads and bridges, and the sum so set apart shall be used for no other purposes whatever. The proceeds of the sale of State road bonds and the moneys appropriated by Congress under the Act known as the Federal Aid Law, shall be used exclusively for the purpose of constructing highways and bridges and the acquisition of bridges and of material.

Section 11. The State Highway Department shall have the right and power to adopt all reasonable and necessary rules and

regulations for the better construction, repair and maintenance of the public roads and bridges in Alabama which the Commission shall deem proper. The Department shall have the power to enter into contracts and agreements with the owners or operators of telegraph or telephone lines or power transmission lines which are constructed or operated along or across the public roads, bridges and highways of this State and to prescribe all reasonable rules and regulations as to the construction, repair or maintenance of the poles, wires and lines of such telegraph or telephone companies so as to insure the safety of the public in using the roads, bridges and highways in this State. The Department may also prescribe any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges, or highways of the State, upon which State money may be expended or appropriated, or upon any part of the right of way of any of the public roads or highways in the State, upon which State money may be expended or appropriated. The Department shall also have the right and power to prescribe reasonable rules and regulations as to the weight or tonnage of vehicles to be used upon any of the public roads, bridges, or highways of the State upon which State money may be expended or appropriated. The Department shall also have the right and power to contract and enter into agreements with other states as to the construction, repair, or maintenance of any bridge across any stream which forms the boundary line between this and any other state.

Section 11½. No member of the State Highway Commission, the State Highway Engineer or any other person in the employ of the State Highway Department shall be either directly or indirectly interested in any contract or agreement for the construction or maintenance of any road or bridge in this State, or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges in this State and any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be sentenced to imprisonment in the penitentiary for not less than two nor more than ten years.

Section 12. The State Highway Department shall reserve out of the State Highway Fund a sufficient sum annually, to support the State Highway Department, the balance shall be used in the construction and maintenance and repair of the State Trunk Roads and bridges on the State Trunk Roads as is or may be provided by law. Before making any appropriations to counties of State aid fund, the State Highway Department shall first set aside out of the State Highway Fund a sum which, in its opinion, is sufficient to secure the Federal Fund apportioned to this State, so that the State will not lose the benefit of the appropriation of Federal Aid. Whenever the Court of County

Commissioners, Board of Revenue or other like governing body of a county shall desire that a State Trunk Road or bridge on a State Trunk Road in said county be constructed or maintained, with State Aid, written application shall be made by the County to the State Highway Department under such rules and regulations as the Department may prescribe. Such applications, when made, shall be considered by the Department and if approved by it, the Commission shall direct the State Highway Engineer or one of his assistants to view said road or bridge and cause to be made surveys, plans, specifications and estimates of the cost of construction of maintenance and the State Highway Department may thereupon appropriate out of the State Highway Fund such part of the estimated cost of such work as it may deem proper and the State Highway Department shall proceed to do such work by contract or with its own forces. If it deems best, the Department may accept appropriations from the county for said work, which shall be paid into the State Treasury to the credit of the State Highway Fund before the work begins. Whenever a county fails to make application for the construction or maintenance of a road, or bridge or the Department deems it best for such work to be done, it may proceed to construct or maintain any part of the State Trunk Road or bridge upon a State Trunk Road and pay part or all of the cost of such work out of the State Highway Fund.

Section 13. The State Highway Department shall furnish a competent engineer, when needed, during the progress of road or bridge construction, repair or maintenance in any county under the provisions of this Act, who shall supervise said work and see that the plans and specifications are complied with. Whenever it is proposed to do such work by contract and the estimated cost of such work exceeds five thousand dollars, the State Highway Department shall advertise for bids for at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery and in a newspaper published in the county where the work is to be done, and in any other newspaper or periodical if the Department deems such other publication necessary, and shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder. When proposals are asked for doing work of a general nature over the State it shall not be necessary for advertising to be inserted in papers in each county, but the Department must advertise in at least three daily papers published in the State for at least two weeks. It shall reserve the right, however, to reject any and all bids and call for new bids, or perform the work or any part of said work by day labor or convict labor or by entering into a contract with the Convict Department of the State to do such work or labor as it may deem best for the interest of the State and the county. The State Highway De-

partment may enter into contracts with any of the counties of this State, or with any of the municipalities of this State as it may with individuals, firms or private corporations, to do any work in the construction, repair, or maintenance of the roads, bridges or highways in this State. When any work is to be done by contract, whether with individuals, firms, private or public corporations, the State Highway Department shall require a bond in some guaranty company doing business in this State, of the contractor, for the faithful performance of the work agreed and contracted to be done. Such bonds shall be payable to the State of Alabama and shall be approved by the State Highway Department and it shall be in an amount equal to the contract price and conditioned to do and perform the work in accordance with the contract or agreement. The State Highway Department may authorize partial payments to the contractor performing any road or bridge work as the work may progress. The progress estimates and payments shall be based upon materials placed and labor expended upon the work, but not more than 85% of the contract price of the work shall be paid in advance of the full completion and acceptance of the work. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and approved by the State Highway Engineer, and the commission.

Section 14. Every contract for road or bridge construction, repair or maintenance under the provisions of this Act shall be made in the name of the State of Alabama; approved by the State Highway Engineer, the State Highway Department and by the President of the State Highway Commission, and the Governor.

Section 15. The rights of way deemed necessary by the State Highway Department for a road or bridge constructed under the provisions of this Act shall be acquired by the county in which such road is to be located, without expense to the State. Should the county fail or refuse to acquire the necessary right of way, the State through the State Highway Department shall have authority at the expense of the county to acquire such right of way, either by purchase or by the exercise of the right of eminent domain in condemnation proceedings, as is provided for under the laws of this State. The State, acting through the State Highway Department and its duly authorized employees and the various counties of the State, acting through the Board of Revenue or other like body and their duly authorized employees, in the doing of public road work, shall have and exercise the right, power and authority, when deemed necessary or advisable so to do, to close public roads to traffic, and when possible so to do, to make detour roads and to contract for such land as may be necessary for such detour roads; also to acquire by purchase or by condemnation land necessary for drainage ditches

and borrow pits, lime and stone quarries, clay and clay pits, sand and sand pits, gravel and gravel pits, together with any and all other material of every character that may be necessary or essential or desired in the construction and maintenance of highways and bridges, and to tap and draw material from the same to such extent as may be desired, and the State Highway Department shall also have the right to acquire by purchase or condemnation rights of way necessary for ingress and egress to such material pits as above named. Provided no contracts for construction, repairs or renewals of highways, bridges, or culverts shall be let without the approval of the Governor and until after all necessary rights of way for such highways and rights for materials for construction and rights of way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the president of the Commission.

Section 16. No road constructed or maintained under the provisions of this Act shall be dug up or used for laying pipe line, pole lines, sewers, railways, or for other similar purposes without the written permit of the State Highway Commission and such work shall be done only in accordance with regulations prescribed by the Commission and the cost of replacing the road in as good condition as it was before such work was done shall be paid by the person, firm or corporation to whom or in whose behalf such permit was given. Such person, firm or corporation so desiring such work shall furnish the State with a cash deposit or certified check upon a solvent bank in the amount required by the State Highway Commission conditioned that the sum is to be forfeited to the State in the event that said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 17. The State Highway Department is authorized to rent, construct or purchase such buildings, stock, machinery, tools, materials and other equipment as it may find necessary for use in carrying out the provisions of this Act and pay for the same out of the State Highway Fund. It shall also pay out of said fund the necessary expenses of the Department of every description including traveling expenses of the officials and engineers, foremen, and clerks, while in the actual performance of their duties authorized or imposed by this Act and also the cost of all supplies or materials furnished for said Department, and for the maintenance of all live stock and machinery used by the Department or its agents.

Section 18. The State Highway Department shall have full authority to make such changes or additions to the system of State Trunk Roads to conform to the requirements of the Federal Aid Law, as it may deem proper and construct or main-

tain the same with State Aid under the provisions of this Act.

Section 19. The State Highway Department may work State Convicts in the construction or maintenance of public roads and bridges of Alabama as may now or may hereafter be provided by law, or may work State Convicts in construction, repairing, or maintaining public roads or bridges by contract or agreement with the Board of Convict Supervisors.

Section 20. The State of Alabama hereby assents to the provisions of the Act of Congress approved July 11, 1916, known as the Federal Aid Law, which Act of Congress is entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," and assents to all subsequent amendments to such Act of Congress. The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction, and maintenance of rural post roads under the provisions of said Act of Congress and all amendments thereto, to submit such schemes or programs of construction and maintenance as may be required by the Secretary of Agriculture, and to do all other things necessary to fully carry out the cooperation, contemplated and provided for by said Act of Congress and all amendments thereto. The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the sum apportioned to the State by or under the United States Government and maintain the roads constructed under the provisions of the Act of Congress or any amendment thereto and to make adequate provision for caring for such maintenance.

Section 21. The State Highway Commission or highway Department shall locate, construct and maintain highways and State Trunk Roads so as to connect each county seat with the county seat of the adjoining county by the most direct and most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states. From and after the passage of this Act no contract or agreement for the location or construction of any road or highway in this State shall be made unless such road or highway shall tend to connect the various county seats of the State by the most direct route as provided for in the act approved September 30, 1919, and also an Act approved October 29, 1921. Provided this Act shall not interfere with any road work contracted for before the passage of this Act.

Section 22. It shall be the duty of said Highway Commission or Highway Department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investment; said roads to be constructed or maintained without expense to the several

counties, except as is otherwise provided in this Act, or other laws of this State.

Section 23. By the phrase "equitably apportioned" as is used in the next preceeding section of this Act is meant that not less than three hundred thousand dollars of State funds for roads shall be set aside and expended in each county in the State by the State Highway Commission.

Section 24. The State Highway Department in addition to the right, authority and powers conferred upon it by this Act, is authorized to make all such reasonable rules and regulations as the Department may deem necessary to carry out the provisions of this Act and to construct, maintain and repair the public roads and bridges of this State; and any person, firm or corporation which violates any of the provisions of this Act or any reasonable rule or regulation prescribed by the State Highway Department for the better construction, repair and maintenance, protection and preservation of the public roads, bridges, highways and rights of way of roads and highways of this State, shall be guilty of a misdemeanor and on conviction, shall be punished by a fine or not less than ten nor more than five hundred dollars, and at the discretion of the judge trying the case, in addition to the fine may be sentenced to hard labor for a term of not to exceed six months, except in a case in which a different punishment is provided for in this Act, then the punishment so provided for otherwise in this Act shall be imposed.

Section 24½. That the Commission shall adopt regulations governing the positions for placing markers, signs and advertising on the right-of-way of all State controlled highways, and no signs or advertising matter shall be placed on said highways except in accordance with such regulations. The State Board of Administration is hereby vested with the authority to let contracts for the placing of markers and posting of signs and advertising matter on said highways, and shall fix the compensation to be paid to the State by all persons contracting with said Board for advertising space on said highways, to be paid in annual quarterly or monthly installments as may be prescribed by said Board, provided that if any contract is made with any person for the purpose of sub-letting the space by such contractor, the compensation to be paid the State by such contractor shall be not less than 20 per cent of the gross income received by him. No contract for posting signs or advertising on said highways not made by the State Board of Administration shall be valid, and all such contracts heretofore attempted to be made by the State Highway Department are hereby expressly declared to be void. All proceeds received by the State from such contracts shall be used for maintenance of said highways, to be drawn out of the treasury as other highway funds are withdrawn therefrom.

Section 25. All laws, or parts of laws, local or general, inconsistent or in conflict with the provisions of this Act, are hereby repealed.

Section 26. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not of itself void and unconstitutional.

Section 27. This Act shall take effect upon approval of the Governor.

Approved Sept. 24, 1923.

No. 359.)

AN ACT

(S. 244. Duncan.

To repeal Sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend Sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

Section 1: *Be it enacted by the Legislature of Alabama*, that Sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend Sections 4594 and 4595 of the Code of Alabama," approved April 7, 1911, be and hereby are repealed.

Approved Sept. 24, 1923.

AN ACT

No. 360.)

(S. 171. Foster.

For the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific study through a board created for that purpose.

Be it enacted by the Legislature of Alabama:

Section 1. That the State Health officer, the dean of the School of Medicine, and the head of the Department of Anatomy of the University of Alabama, and the deans and heads of the departments of anatomy of other medical schools which may hereafter become incorporated under the laws of this State, shall be and are hereby constituted a board for the distribution and delivery of dead bodies, hereinafter described, to and among such institutions as are, under the provisions of this Act, entitled thereto. The professor of anatomy in the medical school of the University of Alabama, at Tuscaloosa, who is hereby made secretary shall call a meeting of said board for organization, at a place and time to be appointed by him, within thirty (30) days after this Act takes effect. The said board shall have full power to establish rules and regulations for its government, and to appoint and remove its officers, and shall keep full and complete minutes of its transactions, and records shall also be kept under its direction of all bodies received and distributed by said board, and of the persons or institutions to whom the same may be distributed, which minutes and records shall be

open at all times to the inspection of each member of said board, and of any solicitor of any City or County Court in this State.

Section 2. That all public officers of this State and their assistants, and all officers and their deputies of every county, city, town or other municipality, and of every prison, chain-gang, penitentiary, morgue and public hospital in this State having charge or control over any dead human body or bodies, not dead from any contagious or infectious disease, and required to be buried at public expense, are hereby required to notify the said board of distribution, or such person or persons as may from time to time be designated in writing by said board or its duly authorized officers, whenever any such body or bodies come into his or their possession, charge or control, and shall, without fee or reward, deliver such body or bodies, and suffer said board and its duly authorized agents, who may comply with the provisions of this Act, to take and remove all such bodies to be used only within this State solely for the advancement of medical science; Provided, that no notice shall be given, nor shall any such body or bodies be delivered, if any person shall satisfy the authorities in charge of said body or bodies that he or she is of any degree of kin, or is related by marriage to, or socially or otherwise connected with and interested in the deceased, and shall claim the said body or bodies for burial. In that event it or they shall be at once surrendered to such person for interment, or shall be buried at public expense at the request of such claimant, if a relative by blood or a connection by marriage, provided he or she is financially unable to supply such body or bodies with burial. And provided further, that such notice shall not be given or such body be delivered if the deceased person was a traveller who died suddenly, in which case the dead body shall be buried. And provided further, that such body or bodies shall in each and every instance be held and kept by the person or persons having charge or control of it or them at least twenty-four (24) hours after death before being delivered to said board or its agent or agents, during which period notice of the death of such person or persons shall be posted at the court house door of the county in which said body or bodies are held.

Section 3. That the said board, or its duly authorized agent, may take and receive such bodies so delivered as aforesaid and shall upon receiving them, distribute them among schools, duly authorized by said board, for lectures and demonstrations by said schools, the number assigned to each to be based upon the number of bona fide students in each dissecting or operative surgery class, which number of students shall be reported by the said schools to the board at such times as it may direct; Provided, that said schools, upon receiving them, and before any use is made of them, and without unnecessary mutilation or dissection, shall cause them to be properly embalmed and carefully preserved and kept for a period of sixty (60) days from

the day of their reception, and shall deliver them properly prepared for burial to any person mentioned and described in Section 2 of this Act, who shall claim such body for burial, within or before the expiration of said period of sixty (60) days, and satisfy the officers of said school that he or she is such a person as is, under said Section 2, entitled to said body. If at the expiration of said sixty (60) days, said body or bodies have not been claimed for burial in the manner and by the person or persons herein described, said bodies shall then be used for the purposes specified in this Act by said schools; and provided further, that when said bodies have been so used and are no longer needed or serviceable for objects herein mentioned, they shall be decently interred, cremated, or otherwise properly disposed of by the said schools.

Section 4. The said board may employ a carrier or carriers for the conveyance of said bodies, which shall be enclosed in a suitable encasement and carefully deposited free from public observation. Said carrier or carriers shall obtain receipts by name, or if the person be unknown, by a description, for such body delivered by him, and shall deposit said receipts with the Secretary of said board, who shall record and preserve the same.

Section 5. Neither the State, nor any county or municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of delivery or distribution of any such body, or bodies, but all expenses thereof shall be paid by those receiving the body or bodies in such a manner as may be specified or fixed by said board.

Section 6. That any person having duties enjoined upon him by the provisions of this Act, who shall neglect, refuse or omit to perform the same as hereby required, must on conviction, be fined not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

Section 7. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved Sept. 26, 1923.

No. 363.)

(S. 261. Hutson.

AN ACT

To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a State banking corporation.

Be it enacted by the Legislature of Alabama:

Section 1. Any bank or banking association organized under the laws of the United States, may, by the vote of the

stockholders owning not less than fifty-one per cent of the capital stock of such bank or banking association, with the approval of the Superintendent of Banks of Alabama, and upon the payment by it to the Superintendent of Banks of Alabama of the sum of One Hundred (\$100.00) Dollars, be converted into a State banking corporation, with any name approved by the Superintendent of Banks.

Section 2. In case of such conversion, the articles of incorporation and organization certificates may be executed by a majority of the directors of the bank or banking association, and the certificate shall declare that the owners of fifty-one per cent of the capital stock have authorized the directors to make such certificate, and to change or convert the National banking association into a State bank or banking corporation. A majority of the directors, after executing the articles of incorporation and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a State banking corporation. The shares of any such bank may continue to be for the same amount each as they were before they were converted, and the directors may continue to be directors of the State banking corporation until others are elected or appointed, in accordance with the statutes of Alabama. When the Superintendent of Banks has given to such bank or banking corporation a certificate that the provisions of this act have been complied with, such bank or banking corporation, and all its stockholders, officers, and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities and regulations, in all respects as shall have been prescribed for banks or banking corporations originally organized as banking corporations under the laws of Alabama.

Section 3. Before the issuing of such certificate by the Superintendent of Banks, a majority of the directors of such bank shall file in the office of the Judge of Probate of the county in which its place of business is located, a declaration of incorporation, which shall show: 1, The name to be assumed and used by the corporation. 2, The objects of the corporation, among which shall be the conversion of National banking association with the name and description of the same, into a State banking corporation, with all the power and authority that may be exercised by a corporation formed for the purposes of carrying on the business of banking and trust companies, under the laws of the State of Alabama. 3, The location of its principal office. 4, The amount of its total authorized capital, and the amount of its paid-in capital. 5, The name and post-office address of each officer and director. 6, The time limit, if any, for the duration of the corporation. 7, A certificate, acknowl-

edged before a notary public by a majority of the directors of the National banking association so converted that there has been transferred by the National banking association, by a vote of the stockholders owning not less than fifty-one per cent of the capital stock of such National banking association to such State banking corporation into which it is converted, all the property and assets of said National banking association.

Section 4. Such State bank or banking corporation shall have authority to issue to the stockholders of the National banking association from which it was converted, shares of stock of the same amount and of the same par value as is held by each of said stockholders in such National banking association.

Section 5. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved Sept. 26, 1923.

No. 364.)

AN ACT

(S. 260. Hutson.

To amend Section 21 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45, and 46, and to repeal sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited Acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Be it enacted by the Legislature of Alabama:

Section 1. That section 21 of an Act entitled, "An Act to amend sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited Acts relating thereto, approved March 2, 1911,' approved February 15, 1915,'" be and the same is hereby amended to read as follows: Section 21: No bank shall lend to any one person, firm or corporation (including loans to a firm, loans to the several members thereof) more than 20% of its capital, unimpaired surplus and undivided profits; and, where any loan exceeds 10% of the capital, unimpaired surplus and undivided profits, such excess shall be secured by good collateral or other ample security; provided, however, that a bank may buy from or discount for any person, firm or corporation, bills of exchange drawn in good faith against actually existing values, commercial or business paper actually owned by the person negotiating the same, in addition to loans directly made to the person, firm or

corporation selling the same, and such excess loans and such purchase or discount if in excess of 10% of the capital, unimpaired surplus and undivided profits (in case of a corporation) shall be approved in writing by a majority of the Board of Directors or the Loan Committee, or authorized at a meeting of the Board of Directors or Loan Committee, evidenced by properly recorded minutes of such meeting, duly signed by the chairman and secretary, and, if not a corporation, same shall be approved in writing by all of its officers; and, provided, that the limit of loans herein fixed shall not apply to bona fide loans made upon the security of agricultural, manufactured, industrial products, live stock or other liquid securities having a market value and for which there is a ready sale in the open market, title to which, by appropriate transfer shall be taken in the name of the bank, where no more than eighty (80) per cent of the market value of such products shall be loaned or advanced thereon. In all such cases a margin of twenty (20) per cent, between the amount of the loan and the market value of the products shall at all times be maintained (except where products are intended for immediate shipment); and provided that the limit herein fixed shall not apply to loans fully secured by bonds or certificates of indebtedness of the United States or of this State, or of the several counties, districts or municipalities thereof, which have been duly and regularly validated as provided by law. Liabilities arising to the makers and endorsers of checks, drafts, bills of exchange, received by the bank on deposit, cashed or purchased by it, shall not in any way be considered as borrowed money or loans. It shall be the duty of the Superintendent of Banks to order any loan in excess of the amount herein fixed reduced to the legal limit, or the excess charged to profit and loss, provided in his opinion such excess is not well secured, and if such reduction shall not be made within thirty (30) days after such notification, to proceed as in other cases provided for violation of the orders of the Superintendent.

Section 2: That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved Sept. 26, 1923.

No. 365.)

AN ACT

(S. 129. Powell.

To make an appropriation for the Equipment and Maintenance of the Alabama Room in the Confederate Memorial Museum at Richmond, Virginia.

Be it enacted by the Legislature of Alabama:

Section 1. That for the purpose of equipping, and providing for the maintenance of, the Alabama Room in the Confederate

Memorial Museum at Richmond, Virginia, there is hereby appropriated out of any monies in the State Treasury not heretofore otherwise appropriated, the sum of Two Hundred and Fifty (\$250.00) Dollars a year, for each of the fiscal years ending, respectively, on the 30th day of September, 1923, 1924, 1925 and 1926; making a total for the four years, of One Thousand (\$1,000.00) Dollars.

Section 2. That the sums appropriated by Section 1, hereof, shall be paid by the State Treasurer, on warrants drawn therefor by the State Auditor in favor of such officer or officers of the United Daughters of the Confederacy, as the Governor shall direct.

Approved Sept. 26, 1923.

No. 366.)

AN ACT

(S. 395. Oliver.

To make an appropriation to the Alabama School for Negro Deaf and Blind for the purpose of constructing, repairing and equipping buildings at said school.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of thirty-three thousand six hundred dollars for constructing, repairing and equipping buildings at the Alabama School for Negro Deaf and Blind, payable by warrants drawn by the State Auditor on request of the Trustees of said school on approval of the Governor.

Approved September 28, 1923.

No. 367.)

AN ACT

(S. 513. Overton.

To Authorize and create an additional judge of the Fifth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

Be it enacted by the Legislature of Alabama:

Section 1. That there shall be, and there is hereby authorized and created an additional judge of and for the Fifth Judicial Circuit of the State of Alabama, who shall be appointed by the Governor of Alabama, within thirty days after the passage and approval of this Act, whose term of office shall begin upon the qualifications of such appointee, and who shall hold office until the next general election for any State offices and until his successor shall have been elected and qualified; that there-

after such additional judge shall be elected at the same time and for the same term of office as other circuit judges are elected in this State.

Section 2. That said additional judge shall have and exercise all the jurisdiction, powers, rights, and authority and shall possess all the qualifications, and may perform all the duties, that the other circuit judges of the State of Alabama may exercise, shall possess or may perform, and he shall be liable to all the pains and penalties of said other circuit judges of the State.

Section 3. That the salary of said additional judge of said Fifth Judicial Circuit shall be the same as is paid to the other circuit judges by the State of Alabama. The said additional judge shall be known and designated as the Associate Judge of said Circuit, and the present judge shall be the Presiding Judge of the Circuit. After the expiration of the term of the present judge, the two judges of said circuit may designate by entry on the minutes of the several courts of said circuit which of the judges of the circuit shall be the Presiding Judge and which the Associate Judge of the Circuit. If the judges do not so designate a Presiding Judge within thirty days after such judges qualify, the Chief Justice shall designate the Presiding Judge and Associate Judge of the Circuit. The two judges of said circuit shall alternate in presiding over the several courts of said circuit.

Approved Sept. 26, 1923.

No. 368.)

(S. 330. Tunstall.

AN ACT

To authorize the probate court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

Be it enacted by the Legislature of Alabama:

Section 1. When the property of real and personal property, owned by an absent husband or father, who has not been heard from and whose residence has been unknown for ten years, and whose residence cannot be ascertained by diligent inquiry, does not exceed in amount and value the exemptions allowed in favor of his widow and minor child or children, or either, the Probate Court of the County in which he resided before he left his wife or children, upon the application of the deserted wife, or if there be no wife, or she does not act, upon the application of a suitable person who shall be appointed by the Judge of Probate as next friend of such minor children, verified by oath, and setting forth such facts, must appoint two com-

missioners, who shall make a full and complete inventory and appraisement of the real and personal property of such absent husband and father, describing the property and stating the value of each item or parcel thereof; and in estimating the value of such property, or any part thereof, if the same be held in pledge or under mortgage or other lien or incumbrance created prior to the commencement of the absence of the said husband or father, such incumbered property must be valued at only the excess in its value over and above the sum of such lien or incumbrance.

Section 2. If such property, real or personal, or both, does not exceed in amount or value the exemptions allowed widows and minor children in such property, the commissioners must set apart the same to the said deserted wife and minor children, or either; and within ten days thereafter, they shall return to the court, the inventory and appraisement with a report of their action in the premises. Exceptions to such report may be filed, heard and determined as in other cases or exceptions to reports setting apart exemptions.

Section 3. If no exceptions are filed and sustained to such report of the Commissioners setting apart exemptions, and it is determined that the property set apart was all the property owned by the absentee husband at the time he left, and that he left less property than was exempt to widow and minor children of decedents, the title to the property so set aside, whether real or personal, vests absolutely in the deserted wife and minor child or children, or either, as the case may be, share and share alike.

Approved Sept. 26, 1923.

No. 369.)

AN ACT

(S. 407. Inzer.

To provide for the establishment of county boards of child welfare; to define the duties, powers and functions of such boards; to provide for the employment of county superintendents of child welfare and assistants, to prescribe their duties, powers and functions, and to provide for their compensation and expenses; to provide for an office for the county board and superintendent of child welfare; to provide for the co-operation of county boards of child welfare with city boards or departments of public or child welfare; to authorize the governing body of any city, town or municipality in the county to make appropriation to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants.

Be it enacted by the Legislature of Alabama:

Section 1. The judge of the juvenile court of any county having exclusive jurisdiction of dependent, neglected and delinquent children shall, whenever the court of county commissioners or board of revenue of the county shall by resolution declare that a county board of child welfare should be estab-

lished in said county and shall designate one of its members to serve as a member of such county board of child welfare, and whenever, the county board of education shall by resolution declare that a county board of child welfare should be established in said county, appoint three citizens, two of whom shall be women, who together with the judge of the juvenile court, the chairman of the county board of education, the county superintendent of education, and the member designated by the court of county commissioners or board of revenue of the county, shall constitute the county board of child welfare. The term of the member of the county board of child welfare designated by the court of county commissioners or board of revenue of the county shall expire on January 1 of the next ensuing year. His successors shall be appointed by the court of county commissioners or board of revenue of the county, each to serve for a term of two years. The term of the members of the county board of child welfare appointed by the judge of the juvenile court shall be designated to expire as follows: one on January 1 of the next ensuing year; one on January 1 one year after the expiration of the term of the first year; and one on January 1 two years after the expiration of the term of the first. All their successors shall be appointed by the judge of the juvenile court for terms of two years each. Appointments to fill vacancies shall be made for unexpired terms in the same manner as the member whose vacancy is to be filled was appointed. Members of the county board of child welfare shall serve without compensation for their services as members. Office space and supplies shall be provided for the county board of child welfare and its executive agent or agents and the expense of such provision shall be a valid charge against the county.

Section 2. The judge of the juvenile court shall be the chairman of the county board of child welfare. It shall be his duty: 1. To call the first meeting of the board at any place designated by him; 2. To transmit to the State Department of Education and the State Child Welfare Department the names and addresses of every appointed member of the board; 3. To call a meeting of the board not less than once every six months and at such other times as he may deem necessary, and to determine the place of every such meeting; provided, however, that any three members may, by giving ten days notice in writing to the other members, call a meeting and fix the place thereof; 4. To preside at all meetings of the board; provided that in case the judge is absent the board may select a temporary chairman.

Section 3. It shall be the duty of the county board of child welfare: 1. To advise with and to assist the State Child Welfare Department in its work in said county; 2. To make in-

vestigations and reports and perform such other duties as may be required by the State Child Welfare Department; 3. To co-operate with all educational and social agencies, public and private, in the county; 4. To co-operate with the county and the city board of education in the enforcement of the compulsory school attendance law, and in all other matters relating to the welfare of children; 5. To co-operate with the county board of health, and county health officers, in matters relating to the welfare of children; 6. To perform all duties hitherto assigned by law to advisory boards of juvenile courts having exclusive jurisdiction over children under sixteen years of age. Upon the establishment of a county board of child welfare in any county, the advisory board of the juvenile court, if heretofore established, as provided by law, shall be abolished; 7. To make rules and regulations not inconsistent with any of the provisions of this Act, or other law, for the conduct of its meetings, the discharge of its duties, the exercise of its powers, and for the direction of the work of the county superintendent of child welfare, and his assistants.

Section 4. The county board of child welfare shall have power: 1. To employ an executive agent to be known as the county superintendent of child welfare, who shall serve at the pleasure of the board and whose salary shall be fixed by said board by and with the consent of the county board of education and the court of county commissioners, or board of revenue of the county, one-half of which shall be paid out of public school funds of the county and one-half out of public funds of the county; or in such other proportion as may be agreed upon by the boards authorized to make payments by this Act; provided that the county board of child welfare, the court of county commissioners or board of revenue of a county, and the county board of education, shall be and are hereby authorized to accept from the governing body of any city, town or municipality in the county, or from any other source, funds to aid in the payment of the salary and expenses of the county superintendent of child welfare and his assistants as herein provided, and the governing body of any city, town or municipality in the county and the board of education of any city, town or municipality in the county shall be and are hereby authorized to make appropriation for the purpose of aiding in the payment of the salaries and expenses of the county superintendent of child welfare and his assistants; and provided further that no person shall be employed as county superintendent of child welfare of any county or assistant thereto, unless he shall have been certified as a person having met the requirements for such officer as prescribed in the act establishing the State Child Welfare Department. 2. To employ an assistant or assistants to the county superintendent of child welfare when necessary, and to provide for the

compensation of such assistant or assistants in the manner as herein provided in the case of county superintendents of child welfare.

Section 5. The county superintendent of child welfare shall have power and it shall be his duty: 1. Under the direction of the county or city board of education or both and the Department of Education, to perform all the duties imposed by law upon the school attendance officer and to enforce the compulsory education law; 2. To co-operate with the State Child Labor Inspector in the enforcement of all laws relating to the employment of children; 3. To serve as county probation officer when appointed by the judge of the probate court; 4. To co-operate with the State Child Welfare Department and all other agencies, public or private, having the care of, or giving relief to children, and to make such investigations into the conditions, life or surroundings of any child in the county as the State Child Welfare Department or the county child welfare board may direct; 5. To act as parole officer under the direction of superintendents of State institutions for any child paroled from such institution and living in said county; 6. To promote and aid in promoting wholesome recreation and other activities for the welfare of children; 7. To co-operate with the county board of health, its agents, officers and nurses, in all matters relating to the establishment and carrying out of public health program; 8. To report monthly in such form as may be determined by the State Child Welfare Department to the county board of child welfare and to the State Child Welfare Department; provided, that reports of school attendance work shall also be made as directed by the county or city board of education and the State Superintendent of Education; 9. To keep records of all cases handled and business transacted in such manner and form as may be prescribed by the State Child Welfare Department and to make report to the Child Welfare Department in such form and at such time as it may require; 10. Assistants of the county superintendents of Child Welfare shall have power and it shall be their duty to exercise any of the powers and discharge any of the duties prescribed for the county superintendent of child welfare.

Section 6. In any county in which a special court (other than a juvenile court) having exclusive jurisdiction over dependent, neglected, or delinquent children may have been established, a county board of child welfare may be established in such county in the same manner as provided in this Act, the judge of such special court having exclusive jurisdiction over dependent, neglected and delinquent minor children, taking the place of the judge of the juvenile court as herein set out. In counties in which there is a city in which a city board or depart-

ment of public welfare or child welfare has been established, the county board of child welfare may arrange with such city board or department of public welfare or child welfare to consolidate and coordinate city and county child welfare work in such manner as may be agreeable to the county board of child welfare and the city board or department of public welfare or child welfare and with such division of expenses as may to both seem equitable; provided, that every such agreement shall be approved by the court of county commissioners or board of revenue of the county and by the county board of education.

Section 7. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 8. If any section of this Act shall be held unconstitutional, in whole or in part, the fact shall not affect any other section of this act, it being the intention of the legislature in enacting this Act to enact each section separately.

Section 9. This Act shall take effect immediately upon its approval by the Governor.

Approved Sept. 26, 1923.

No. 370.)

(S. J. R. 157. Randall.

SENATE JOINT RESOLUTION

BE IT RESOLVED, by the Senate of Alabama, the House concurring, that

WHEREAS, a resolution has been passed memorializing Congress to make certain surveys of navigable streams and their tributaries in the State of Alabama, etc., and

WHEREAS, it is important that this State shall avail itself of all the advantages to be derived from such survey and report. Therefore,

BE IT RESOLVED, That the Alabama Public Service Commission is directed to follow up said resolution and endeavor to secure favorable action thereon by Congress, or by such other governmental agency as may be authorized or empowered to make such survey and report:

BE IT FURTHER RESOLVED, That the Alabama Public Service Commission is hereby authorized and directed to co-operate with such federal authorities, to receive and compile the reports and make to the Governor such recommendations as it may deem proper.

BE IT FURTHER RESOLVED, That no expense in connection with this resolution be incurred by the Alabama Public Service Commission except such as may be necessary to carry out the provisions of this resolution, and that such necessary ex-

penses be paid out of appropriations heretofore made for the Alabama Public Service Commission, upon the approval of the Governor.

Approved Sept. 26, 1923.

No. 372.)

AN ACT

(S. 187. Griffith.

To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the probate office of the county in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

Be it enacted by the Legislature of Alabama

Section 1. That whenever in the opinion of the council or governing body of any city or town the public health or public good requires that the corporate limits of such town or city be reduced and the boundaries thereof re-established, said council shall pass a resolution defining the proposed corporate limits.

Section 2. Be it further enacted, that upon the passage of such resolution it shall be the duty of the mayor or person holding the chief office of such city or town to certify a copy of such resolution, together with the plat or map correctly defining the corporate limits proposed to be established, and the names of all qualified electors residing in the territory proposed to be excluded from the area of such corporation, and file the same with the Judge of Probate of the County in which said city or town is situated.

Section 3. Upon the presentation of such certified copy of such resolution, accompanied by map or plat, the Judge of Probate shall file the same and issue notice to the persons residing within the territory proposed to be excluded to appear before him on a day to be fixed by the Judge of Probate, not less than ten nor more than thirty days from the filing of such resolution, and show cause, if any they can, why said proposed boundary should not be established and said map or plat recorded.

Section 4. Be it further enacted, that on the day so fixed by the Judge of Probate if no one appears and makes protest against such change the Judge of Probate shall make an order, which must be entered upon the minutes of the Probate Court, establishing said corporate limits as outlined in said resolution and map, and order that said map or plat be recorded in an appropriate record in his office and said map or plat, the record thereof or a certified copy therefrom, whether the same is adopted without objection or adopted after election as herein-after provided, shall be evidence in any Court of this State as to the proper boundaries of said city or town.

Section 5. Be it further enacted, that if any protest against such change is made by any person within the territory to be excluded and reasonable cause is shown which in the opinion of the Judge of Probate requires that such cause be submitted to the qualified electors of such city or town, the Judge of Probate shall make an order and enter the same upon the minutes of the Probate Court directing and ordering an election to be held by the qualified electors of said city or town not less than ten nor more than thirty days from the making of such order. The Judge of Probate shall give notice of holding of such election by publication in newspaper published within the city or town, one publication thereof for at least seven days being sufficient, and if no newspaper is published in such city or town then by posting a notice thereof at three public places in said city or town; which notice shall state the day on which such election is to be held, describing the proposed corporate limits as fixed by said resolution and stating that a map of such territory is on file in the office of Judge of Probate of said county open to public inspection.

Section 6. Be it further enacted, that such election shall be held at the regular voting places in said city or town and all qualified electors residing in said city or town shall have a right to vote thereat.

Section 7. Be it further enacted, that the election shall be to determine whether or not the proposed corporate limits shall be established, and such election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act, and except that no official ballot need be provided. Each voter may furnish his own ballot with the following words written or printed thereon: "For adoption of the proposed corporate limits," if he desires to vote in favor of proposed corporate limits, or "Against adoption of proposed corporate limits," if he desires to vote against the adoption of proposed corporate limits. It shall not be necessary for the ballot to be of any particular size, form or color. The Judge of Probate shall appoint the inspectors and clerks and a returning officer to hold said election and the inspectors at their respective voting places, as soon as the polls are closed must ascertain and certify the result of the election at their respective voting places to the Judge of Probate and deliver the same to the returning officer who must at once return the same to the Judge of Probate, and the Judge of Probate must canvass the returns as made by the inspectors and if it appears that a majority of votes cast at the election was in favor of adoption of proposed corporate limits, the Judge of Probate must make and enter an order on the record of Probate Court adjudging and decreeing that the cor-

porate limits of the city or town as proposed and as defined in the resolution and designated on the plat or map attached to the resolution have been duly adopted and are the legal corporate limits of said city or town; and must order said resolution, together with said map, recorded in the records in his office and from the time of the entry of such order said corporate limits shall be the corporate limits of said city or town.

Section 8. Be it further enacted, If it appears that the majority of votes cast in such election are against the adoption of proposed corporate limits an order shall be entered by the Probate Judge dismissing said application.

Section 9. Be it further enacted, That the result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of Justice of the Peace, making the city or town the contestee.

Section 10. Be it further enacted, That the city or town at whose instance the proceedings are instituted shall pay all costs and expenses incident thereto, including the cost of such election so held.

Section 11. Be it further enacted, That the territory included within the corporate limits so established under the provisions of this Act shall be subject to all the law ordinances of said city or town then in force or that may thereafter be adopted and it shall have and exercise the same jurisdiction over said territory as it exercised over the original territory.

Section 12. Be it further enacted, That the Judge of Probate for services rendered under the provisions of this Act shall be entitled to charge a fee of Ten Dollars. All other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law to charge for similar services rendered by them and the city at whose instance the services are performed under the provisions hereafter shall pay all cost and expense thereof, except, in the case of a contest as herein provided, the cost of such contest to be paid by the party against whom such contest is decided.

Approved Sept. 26, 1923.

No. 373.)

AN ACT

(S. 231. Overton.

To validate and legalize elections heretofore held under the provisions of an act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special

district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities."

Be it enacted by the Legislature of Alabama:

Section 1. That all elections, whether in school districts or in counties, which have heretofore been held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100.00) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty cents (30) on each one hundred (\$100.00) dollars worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred (\$100.00) dollars worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities," which said elections resulted in a majority of the votes cast being in favor of the special tax for school purposes, and which said elections were irregular by reason of failure to give notice thereof in any newspaper, or by reason of any other irregularity prior to the actual holding of the elections, be and the same are hereby ratified and confirmed and given effect in all respects as if all the conditions, preliminary and prior to the actual holding of such elections, required by the aforesaid Act had been duly and legally complied with. Provided the provisions of this Act shall not apply to districts in which said three mill tax election has been held and declared illegal by the board of county commissioners in said county in which said election was held prior to the passage of this Act.

Approved Sept. 26, 1923.

No. 374.)

AN ACT

(S. 462. Teasley.

To authorize any literary society, social society, Young Men's Christian Association, or Young Women's Christian Association, to convey the title to real estate belonging to it, and to prescribe the proceedings to authorize the execution of the deed, and to prescribe the prima facie evidence of the authority to execute the deed, and to authorize a certified copy of the minutes of the meeting authorizing the execution of the conveyance to be recorded in the office of the Judge of Probate where the property is situated, and to prescribe the effect thereof.

Be it enacted by the Legislature of Alabama:

Section 1: That a majority of the trustees, or any other authorized agent, of any literary society, social society, Young

Men's Christian Association, or Young Women's Christian Association may convey the title to all or any part of the real estate belonging to it by deed executed by a majority of the trustees, or any other authorized agent.

Section 2: Before such deed may be executed a majority of the board of trustees of the literary society, social society, Young Men's Christian Association, or Young Women's Christian Association shall first recommend the execution of said deed and submit the proposition to a called meeting of the adult members of such literary society, social society, Young Men's Christian Association, or Young Women's Christian Association, such meeting to be assembled after ten days' notice of the time, place and object of such meeting, posted at the usual place of assembly and published by notice signed by a majority of such trustees in some newspaper published in the county where such literary society, social society, Young Men's Christian Association, or Young Women's Christian Association is situated or has its principal office, and if a majority of the adult members present at such meeting shall vote in favor of the proposition, then a majority of the board of trustees, or such agent as may be designated at such meeting, shall execute a deed conveying the title to the real estate which they are authorized by such meeting to convey.

Section 3: A certified copy of the minutes of such meeting shall be prima facie evidence of the authority of the trustees or such other agent as may have been designated at such meeting to execute said conveyance; and that a majority of the adult members were present at such meeting. Said certified copy must be made by the secretary of said meeting and attested by the chairman as a true copy, and acknowledged by them to be a true copy before some officer authorized to take acknowledgments, and said copy may be recorded in the office of the Judge of Probate of the county where the property is situated, and when recorded shall be notice of the matters therein set forth and prima facie evidence thereof.

Section 4: The provisions of this Act shall apply to the conveyance of real estate heretofore acquired by such literary society, social society, Young Men's Christian Association, or Young Women's Christian Association, or that may be hereafter acquired.

Section 5: Nothing in this Act shall prevent any literary society, social society, Young Men's Christian Association, or Young Women's Christian Association from retaining a vendor's lien on the property conveyed, nor from taking a mortgage to secure the balance of the purchase money, nor an agreement as to the payment of the purchase money and the conditions of the sale.

Section 6: "That this Act shall not be construed as prescribing the exclusive way in which any literary society, social society, Young Men's Christian Association or Young Women's Christian Association may convey their real estate or the manner in which they may execute conveyances."

Approved Sept. 26, 1923.

No. 376.)

(H. 570. Burns.

AN ACT

To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein; the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the Board of Agriculture as provided by an Act approved February 11, 1911, and known as the Board of Agriculture; the abolishment of the Board provided for by Chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a Board provided for by Article 4 of Chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all the powers and duties vested in and required to be performed by the said Boards abolished, and of any unexpended balances of fees or appropriations to the said Board created in this Act; the prescribing of the powers and duties of the Commissioner of Agriculture and Industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine, kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs, vinegar; sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; foods and drugs; corn meal; mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm produce by the producer; standards for agricultural products and their containers; standards for grain; livestock; livestock pedigrees, estrays; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an Agricultural Fund in the State Treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, for the support of these provisions; and the repeal of all laws and parts of laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

ARTICLE 1.

DEFINITIONS.

Section 1. This Act shall be known, and when cited or amended, may be designated as the "Agricultural Code Of Alabama."

Section 2. DEFINITIONS: For the purpose of this Act the word "person" means an individual, a partnership, a corporation, or two or more individuals having a joint or common interest. When construing and enforcing the provisions of this Act, the act, omission or failure of any officer, agent, or other person acting for or employed by any individual, partnership, corporation, or by two or more individuals having a joint or common interest, shall in every case also be deemed to be the act or omission or failure of such individual, partnership, corporation, or of two or more individuals having a joint or common interest. The having in possession, by any person who manufactures, sells, keeps for sale, offers or exposes for sale, serves, distributes or delivers fertilizers, fertilizer materials, ground limestone, paint, white lead, linseed oil, turpentine, kerosene and other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seeds, eggs, vinegar, sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, or any article of food or drugs, shall be prima facie evidence of having in possession with intent to sell; except that this shall not apply to any common carrier when said products or articles were received by said carrier for transportation in the ordinary course of its business, and without actual knowledge of the adulteration, misbranding, under standard, grade, weight or measure claimed. Wherever the words "sell" or "sold" occur in this act, it shall imply the sale, keeping for sale, offer or exposure for sale, having in possession for sale, delivery or distribution in this State, of the product or article in question.

ARTICLE 2.

STATE BOARD OF AGRICULTURE.

Section 1. There is hereby created a State Board of Agriculture, composed of seven members, which shall sit with the Commissioner of Agriculture and Industries and shall exercise such duties and powers as are provided in this Act. This Board shall be made up as follows: The Commissioner of Agriculture and Industries, Ex-officio Chairman; The Director of the Alabama Experiment Station of the Alabama Polytechnic Institute; three outstanding general farmers; one outstanding farmer engaged in horticulture; and one outstanding livestock farmer. The five said farmer members of the State Board of Agriculture shall be appointed by the Governor and confirmed by the Senate, provided that no two of the said appointive members shall reside in the same congressional district of the State. The three general farmers shall be appointed at first for a term of two years; the outstanding farmer engaged in horticulture for a term of

four years; and the outstanding live-stock farmer for a term of six years. At the expiration of the first term of the farmer members, they shall be appointed for terms of six years each, and the regular term of service thereafter shall be six years each. Provided however, that any of the said appointive members shall be subject to dismissal by the Governor at his pleasure. In the event of such dismissal, the Governor shall appoint a new member to serve for the unexpired term of the member so dismissed.

Section 2. The State Board of Agriculture is hereby authorized to call into consultation the heads of Departments, professors, or scientists of the Alabama Polytechnic Institute and officers or specialists of the Alabama Agricultural Extension Service when ever it may be deemed advisable to secure technical, scientific or practical information relating to any of the subjects of this Act. It shall be the duty of such heads of departments, professors, or scientists of the Alabama Polytechnic Institute and of the officers or specialists of the Alabama Agricultural Extension Service, when so requested by the State Board of Agriculture, to attend any meetings of the Board and to furnish such information, facts and data in their possession as may be requested by the said Board, it being the purpose of such consultations to co-ordinate the work of all agencies of the State connected with Agriculture; to prevent conflict or overlapping of such work; and to secure the closest possible co-operation of all such State agencies for the advancement of agriculture in Alabama.

Section 3. The State Board of Agriculture shall hold its annual meetings each year at the office of the Commissioner of Agriculture and Industries on the first Tuesday in September. Other regular meetings shall be held on the first Tuesday in January, April and July, and such special meetings may be held as the duties and business of the board may require. In case of the absence of the chairman, the board shall elect a temporary chairman. The rules generally adopted by deliberative bodies for their government shall be observed by the Board. No motion or resolution shall be adopted without the concurrence of a majority of the whole board. The appointive members of the State Board of Agriculture shall receive a per diem of ten (\$10) dollars for each day of actual service and for a total of not more than twenty (20) days in any fiscal year. Each member of the board shall be allowed his actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the Board.

Section 4. The State Board of Agriculture is hereby empowered: (1) To co-operate with the United States Department of Agriculture and any Federal Board, and with county

and municipal officials, in the enforcement of such regulatory or police matters as are set forth for example in articles five and six of this Act. (2) To co-operate with the Agricultural Experiment Station and Extension Service of the Alabama Polytechnic Institute in promoting the interests of agriculture in Alabama. (3) To make and promulgate reasonable rules and regulations not in conflict with the provisions of this Act, and to direct the expenditure of the funds appropriated for carrying out the objects and purposes of this Act. (4) To proceed, without delay, and do all things necessary to the end that samples of all the soil divisions and soil types in Alabama are carefully drawn and analyzed and that the soil survey of Alabama, and the necessary re-survey and revision of the soil survey work, are completed and State Soil survey maps and reports are printed for distribution. (5) To meet emergencies that may arise because of any defect in the language or purpose of this Act, the State Board of Agriculture shall have the power to make rules and regulations as will give full force and effect to any or all of its provisions.

Section 5. The State Board of Agriculture, by its presiding officer or any of its or his duly appointed agents, shall have authority to inspect books, and records and to hear complaints, to administer oaths, to certify to all official acts, and to examine under oath in any part of the State, witnesses in any matter pertaining to its or his duties, and cause such examination to be reduced to writing. If any person who having been sworn by any of the above officers to tell the truth shall willfully give false testimony, he shall be guilty of perjury; provided, also, that except in his report to the State Board of Agriculture, or the report of any of his agents to the Commissioner of Agriculture and Industries, or when called upon to testify in any court or proceeding at law, the presiding officer of the Board or any employee or agent thereof or of the Commissioner of Agriculture and Industries, who shall divulge any information acquired by him from the private books, documents or papers of any person, firm or corporation, while acting or claiming to act under any authorization or designation, in respect to the confidential or private transactions, property or business of any person, firm or corporation, shall be guilty of a misdemeanor and such employee or agent shall be disqualified from acting in any official capacity in the Department.

Section 6. The State Board of Agriculture shall have the power to adopt a seal for the authentication of its official acts.

Section 7. The State board of agriculture shall submit each year on or before the first day of December, or as early thereafter as practicable, to the Governor an annual report covering all operations of the Department of Agriculture and Industries,

and the support, condition, progress and needs of agriculture throughout the State. Such annual report shall be printed in sufficient quantities for general distribution throughout the State, and for the actual exchange courtesies between the State agricultural authorities.

Section 8. It shall be the duty of the State Board of Agriculture to consider the agricultural and industrial needs of the State, and on and with the advice of the Commissioner of Agriculture and Industries, to recommend to the Governor, and to the Legislature such additional legislation or changes in the existing legislation as may be deemed desirable. Such recommendations may be in the form of prepared bills, and shall be made before the Governor and the Legislature.

ARTICLE 3.

DEPARTMENT OF AGRICULTURE AND INDUSTRIES.

Section 1. A department of the government of the State of Alabama to be known as the Department of Agriculture and Industries is hereby created, with the Commissioner of Agriculture and Industries as the Executive Officer. For the purpose of administration, the Department shall be forthwith organized by the Commissioner of Agriculture and Industries in such manner as, with the advice and counsel of the State Board of Agriculture, shall be deemed necessary to properly segregate and conduct the work of the Department. The work of the Department shall be organized into five divisions to be known as the Division of Plant Industry, the Division of Agricultural Chemistry, the Division of Animal Industry, the Division of Markets, and the Clerical and Records Division. The Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture, may create such sub-division as may be necessary, and change or abolish the same from time to time with the approval of the said Board. So far as consistent with law, the Commissioner of Agriculture and Industries may adopt such rules and regulations as may be necessary, to govern the activities of the Department and may assign to each of the officials and employees thereof such duties and labors as he may see fit and he may, from time to time for the betterment of the public service, re-assign to any and all employees under the chief of any division, such duties as he may desire to be performed.

Section 2. Except as otherwise provided by law, each division of the Department shall be in charge of a chief. The Clerical and Records Division shall be in charge of an expert accountant, and the chief or director of each division shall be experienced in such subjects as shall pertain to the performance

of his duties. The Commissioner of Agriculture and Industries shall, with the counsel and advice or approval of the State Board of Agriculture, appoint and dismiss for cause such chiefs, assistants, deputies, agents, experts and other employees as are necessary for the successful administration of the affairs of the Department, prescribe their duties and fix their salaries (payable in monthly installments on the last day of each month), in accordance with classifications made by the State Budget Commission for employees of the State. Said employees shall execute to the State such official bonds as the Commissioner of Agriculture and Industries may determine and require, unless otherwise expressly provided by law.

Section 3. The Commissioner of Agriculture and Industries, chiefs of divisions, assistants, deputies, agents, experts and other employees shall, on approval by the said Commissioner and authorization by the State Board of Agriculture be entitled to receive, in addition to their salaries, their actual necessary traveling expenses when away from their headquarters on State business.

Section 4. As the chief executive officer of the Department of Agriculture and Industries there shall be a Commissioner of Agriculture and Industries, who shall exercise all the rights, privileges, powers and duties granted him under the Constitution, and who shall hold office for a term of four years from the time of installation into office and until his successor is elected and qualified. The Commissioner of Agriculture and Industries shall be a person of good moral character, of recognized executive ability, and trained in the practice and sciences of agriculture. He shall receive such salary as may be fixed in accordance with the law, payable in monthly installments on the last day of the month. Before entering upon the duties of the office he shall take the oath prescribed in the constitution and shall execute a bond in a surety company authorized to do business in the State for such an amount as may be fixed by the State Board of Agriculture.

Section 5. The Commissioner of Agriculture and Industries shall explain the true intent and meaning of the regulatory laws pertaining to agriculture and of the rules and regulations of the State Board of Agriculture.

Section 6. The Commissioner of Agriculture and Industries shall prepare, or cause to be prepared, an annual report of the State Board of Agriculture, and shall submit on the first day of December, or as early thereafter as practicable, the same to the board for its approval and adoption. He shall also prepare, or cause to be prepared, all other reports which are or may be required of this Board.

Section 7. The Commissioner of Agriculture and Industries shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Agriculture such legislative measures as are in his opinion needed for the further development and improvement of agriculture, industries and related subjects.

Section 8. The Commissioner of Agriculture and Industries shall execute the agricultural and industrial policies of the State Board of Agriculture. He shall call and conduct conferences of agricultural and industrial leaders, on matters relating to the condition, need and improvements of agriculture and the industries of the State. He shall prepare and publish the laws pertaining to agriculture of the State and the rules and regulations of the State Board of Agriculture, and such other pamphlets as will stimulate public interest, and promote the work and development of agriculture and industries.

Section 9. The Commissioner of Agriculture and Industries shall, (a) gather, compile, and publish statistics relating to farm acreage and production in this State and for that purpose he may co-operate with the statistical agency maintained within this State by the United States Department of Agriculture. (b) He may designate the statistical agent of the United States Department of Agriculture assigned to this State as the official statistician of the Department of Agriculture and Industries of Alabama, who shall serve in such capacity without salary, and may employ an assistant to such statistician and such clerical help in the compilation of such statistics as may be temporarily needed, in the manner prescribed in Article 3 of this Act. (c) The said Commissioner shall publish such statistics monthly or otherwise, as deemed advisable: Provided, That any periodical publication issued under this section shall be printed as other printing is done for the State: Provided, further, That such publication shall be promptly printed at such dates as may be determined and shall be paid for out of the "Agricultural Fund," provided for in this Act. All necessary blanks for gathering statistics under this article shall be provided in like manner as indicated above in this section. (d) The said Commissioner, may, with the approval of the State Board of Agriculture, pay out of the said "Agricultural Fund" the travel expenses of the statistician and the assistant statistician incurred in the performance of their official duties. (e) The said Commissioner, if deemed advisable, may have made such surveys of individual farms in this State as may be authorized by the State Board of Agriculture and as may, in the judgment of the official statistician, be necessary to form the basis of dependable estimates of farm production in connection with the ordinary methods of estimate followed by the said statistician. Such surveys shall

be made through such persons in the various counties as shall be designated by the Commissioner and for such number of farms or premises as he may determine. And the persons making such surveys may be paid therefor in such amounts as may be determined by the State Board of Agriculture: Provided, That the total amount expended for such surveys shall not exceed ten thousand dollars in any one year; Provided, further, That no payments shall be made for such purpose until the data collected shall be received and approved by the statistician. Payments for such service shall be made out of the "Agricultural Fund" of the Department as other payments are made therefrom. (f) No information gathered or received from any individual under this Article shall be used for tax purposes and shall not be disclosed except in aggregate amounts for entire counties. (g) The Commissioner of Agriculture and Industries shall, from time to time, prepare and submit to the State Board of Agriculture for approval, and when approved, shall publish a treatise of the developed and undeveloped agricultural and industrial resources of the State, including therein illustrative maps, information as to the mines, minerals, forests, soils, and other products; climate, water, and water-powers; mountains, streams, and all such statistics as are best adapted to give proper information of the attractions and advantages which the State has for its people and offers to immigrants, and shall make illustrative expositions thereof, whenever and wherever it is practicable. For these said purposes, it shall be the duty of the State Geologists, on application, to furnish the Commissioner all the information he may have, with reference to the mineral, agricultural, and other natural resources of the State, together with the analysis of soils, ores, marls, minerals, and mineral waters, and with maps, charts, drawings and specimens, illustrative of the geological, agricultural, and mineral features of the State.

Section 10. The Commissioner of Agriculture and Industries, acting under the rules and regulations of the State Board of Agriculture, shall be responsible for the administration of the Department of Agriculture and Industries, and shall have general supervision of all the professional and clerical assistants of the Department.

Section 11. The Department shall have an official seal. Said seal shall be used for the authentication of the orders and proceedings of the Commissioner and for such other purposes as the Commissioner may prescribe.

Section 12. The Commissioner of Agriculture and Industries may delegate any of his powers to, or direct any of his duties to be performed by the chief of a division and, except where it is otherwise provided in this Act or the context other-

wise requires, may delegate any of such powers to any agent or employee of the Department.

Section 13. The Attorney General shall be the legal advisor of the Department of Agriculture and Industries in all matters relating to the Department and to the powers and duties of the Commissioner of Agriculture and Industries, his agents and employees. Upon the request of the Commissioner of Agriculture, the Attorney General, under his direction, the Circuit Solicitor of any county in which the proceedings is brought, shall aid in any investigation, hearing, prosecution or trial had under the laws which the Department is required to administer, and shall institute and prosecute all necessary actions or proceedings for the enforcement of such law and for the punishment of all violations thereof.

ARTICLE 4.

BOARDS ABOLISHED.

Section 1. There is hereby abolished the Board provided for by an act approved February 11, 1911, and known as the Board of Agriculture, the Board provided for by Chapter 24, Code of 1907, as subsequently amended, and known as the State Board of Horticulture, the Board provided for by Chapter 22, Article 4, Code of 1907, as subsequently amended, and known as the State Livestock Sanitary Board. All powers and duties now vested in and required to be performed by these three said boards are hereby transferred to, and, as amended by this Act, shall be vested in the State Board of Agriculture, as created by section 1 of Article 2 of this Act. If there be any unexpended balances of fees or appropriations to the said Boards, the same shall be available for and expended by the State Board of Agriculture in carrying out the objects and purposes of such fees and appropriations. Any hearing or other proceeding pending before the said boards or officers whose tenure is so terminated shall not be abated but shall be deemed to be transferred and vested in the State Board of Agriculture and shall through the said Board and its executive officer be carried on and determined in accordance with the provisions of law governing such hearing or proceedings.

ARTICLE 5.

FOODS AND DRUGS.

Section 1. The purposes of this Article are to prevent the manufacture, possession, sale or delivery of adulterated or misbranded food and drugs, and for other purposes. No person

within this State shall manufacture for sale therein, have in possession with intent to sell, offer or expose for sale, sell, or deliver any article of food or drugs which is adulterated or misbranded within the meaning of this Article.

Section 2. The word "article" when referring to food or drugs, is used in the broad and comprehensive sense and has reference to the food product or the drug product in question. The term "food" as used herein shall include all articles of food, drink, confectionery, or condiment, whether simple, mixed or compound, used or intended for use by man or domestic animals. The term "drug" as used herein shall include all medicines and preparations recognized in the U. S. Pharmacopœia or National Formulary for internal or external use and any substance or mixture of substances to be used for the cure, mitigation or prevention of disease in man or domestic animals. The words "standard of purity or quality" herein used shall refer to and include the standards of purity for food products promulgated and published by the United States Department of Agriculture, except where they conflict with existing statutes of this State, when in such cases the standards provided by the statutes of this State shall govern and be the standards.

Section 3. An article shall be deemed to be adulterated:

A. In the case of food: First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Second. If any substance has been substituted wholly or in part for the article. Third. If any valuable constituent of the article has been wholly or in part abstracted. Fourth. If it be mixed, colored, powdered, coated, stained, or otherwise treated in a manner whereby damage or inferiority is concealed, or in a manner whereby the appearance of said Article is improved; provided this shall not apply to the precoloring or processing of fruits where such precoloring or processing does not conceal damage or inferiority. Fifth. If it contain any poisonous or deleterious ingredient which may render such article injurious to health: Provided, that when in the preparation of food products for shipment they are preserved by any external application applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this Article shall be construed as applying only when said products are ready for consumption. Sixth. If it consist in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. Seventh. If in the course of its preparation of manufacture an ingredient of in-

ferior food value has been substituted in whole or in part for an ingredient of greater food value. Eighth. If it does not conform to the standard of purity or quality established for the article. B. In the case of drugs: First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary, official at the time of investigation. Second. If when an article not recognized by the United States Pharmacopœia or National Formulary, its strength or purity fall below the professed standard or quality under which it is sold.

Section 4. The term "misbranded" as used herein, shall apply to all drugs, or foods, or articles which enter into the composition of food, the package or label of which shall bear or contain any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced. That for the purpose of this Article an article of food or drugs shall also be deemed to be misbranded. A. In case of food: First. If it be offered for sale under the name of another article. Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package. Third. If in package form, the name of the article, together with the quantity of the contents in terms or weight, measure, or numerical count and the name and principal address of the manufacturer or other person responsible for placing the article on the market, be not plainly and conspicuously marked on the outside of the package. Fourth. If in package form, the package be not filled with the food it purports to contain, within the limits of tolerance fixed by the State Board of Agriculture, irrespective of whether the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count. Fifth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular. Sixth. If in bulk, it be colored so as to deceive or mislead the purchaser. Seventh. If it be offered for sale under false representations. Eighth. If it be an imitation of another article and it be not marked with the word "imitation," followed without intervening descriptive matter by a list of the ingredients contained therein.

Ninth. If it be a compound for which no standard of purity or quality has been established, it be not labeled with the word "compound" followed without intervening descriptive matter by a list of the ingredients: Provided, that in the case of a compound which may be now, or from time to time hereafter, known as an article of food under its own distinctive name, and not an imitation of or offered for sale under the name of another article, it shall not be deemed to be misbranded, if the name of the article be accompanied on the same label or brand with a statement of the place where such article was manufactured or produced. B. In the case of Drugs: First. If it be an imitation of or offered for sale under the name of another article. Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol or any narcotic or habit-forming drug, together with a statement that such drug is narcotic or habit-forming, as the case may be. Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false or fraudulent.

Section 5. It shall be the duty of the State Board of Agriculture, with the assistance of the State Chemist to fix the standards of purity for all food and drug products, in accordance with those promulgated by the Secretary of Agriculture, the Secretary of the Treasury, and the Secretary of Commerce and Labor of the United States, when such standards have been published; and when not yet adopted they shall fix such standards.

Section 6. Any person, firm or corporation, violating any of the provisions of this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than fifty dollars, or imprisoned in the county jail not exceeding thirty days.

Section 7. No dealer shall be prosecuted under the provisions of this Article when he can establish a bona fide guarantee signed by the wholesaler, jobber or manufacturer within the United States, from whom he purchased such articles, that they are not adulterated or misbranded within the meaning of this Article, designating it, and that he has no knowledge of such adulteration or misbranding at the time they were purchased. Such guaranty shall contain the name and address of the vendor who shall, if a resident of this State, be amenable to the prosecutions, fines, and other penalties to which the purchaser would otherwise be amenable.

Section 8. The Commissioner of Agriculture and Industries shall enforce or cause to be enforced the provisions of this Article, and such rules and regulations as are promulgated by the State Board of Agriculture for its prompt and effective enforcement, and shall make or cause to be made all necessary examinations.

Section 9. Samples of articles of foods or drugs drawn by the Commissioner of Agriculture and Industries or his authorized agents shall be sealed by himself or his agents and shall be delivered to the Department for analysis. One sample shall be preserved, when practicable, in the laboratory of the Department and shall be delivered to the person from whom it was taken or to his agent or attorney upon application. Any person who shall hinder or obstruct any authorized agent of this Department by refusing to allow entrance into any place of business for the purpose of carrying out the provisions of this Article, or by refusing to deliver samples as herein provided, when same are requested and value tendered, is hereby declared to be guilty of a misdemeanor, and upon conviction shall be fined in the sum of not less than fifty and not more than one hundred dollars.

ARTICLE 6.

DAIRY PRODUCTS, UTENSILS, MEASURING DEVICES AND TESTING APPARATUS.

Section 1. The term "milk," within the meaning of this Article, is fresh, clean lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within ten days before and five days after calving, and contains not less than 8.5 per cent of solids not fat, and not less than $3\frac{1}{4}$ per cent of milk fat, and not less than 11.75 per cent of total solids; and that the term "cream," within the meaning of this Article, is that portion of milk rich in milk fats, which rises to the surface of milk standing or is separated from it by centrifugal force, is fresh and clean and contains not less than 18 per cent of milk (butter) fat. Butter is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which contains a small portion of the milk constituents, with or without salt or added coloring matter, and contains not less than 80 per cent of milk fat nor 16 per cent or more of moisture content.

Section 2. No person shall sell any adulterated milk or cream, or any milk or cream having therein any foreign substance or coloring matter, or any chemicals or preservatives, whether for the purpose of increasing the quantity of milk or

cream or for improving its appearance, or for the purpose of preserving the condition or sweetness thereof, or for any other purpose whatsoever.

Section 3. No person himself or by his servant or agent shall for the purpose of sale or exchange, add any fat or oil other than milk fat to, or blend or compound the same with, any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried or desiccated, nor shall any person himself or by his servant or agent sell, any milk, cream or skimmed milk in any of the aforesaid forms to which has been added or with which has been blended or compounded any fat or oil other than milk fat.

Section 4. All premises and utensils used in the handling of milk or cream and the by-products of same, and all premises and utensils used in the preparation, manufacture or sale of any food product, for man, from milk or cream, or by-products of same, which shall be kept in an unclean, filthy or noxious condition are hereby declared to be unsanitary.

Section 5. Any person within the State who receives in cans, bottles, or other vessels any milk or cream, ice cream or other dairy products intended for human food, when such vessels are to be returned, shall cause the said cans, bottles or other vessels to be thoroughly washed and cleaned before returning. The said cans, bottles or other vessels, after being thoroughly washed and cleaned, shall be returned to, or delivered to, the express company or other company, concern or person, for return, within seven days after the receipt of same.

Section 6. It shall be unlawful for any person engaged in the business of handling or selling milk or cream, or by-product of the same, or in the preparation, manufacture, or sale of any food products, for man, from milk or cream, or by-product of the same, to maintain his premises or utensils in an unsanitary condition, or to knowingly sell milk or cream drawn from sick or diseased cows, or cows kept in an unsanitary place or cows fed on unwholesome feeds or slops.

Section 7. Every cream station, receiving station, shipping station, creamery, cheese factory, ice cream factory or condensory or any person buying or paying for milk or cream on the basis of the butter-fat contained therein, shall be required to procure and have a State license, such license to be issued by the Commissioner of Agriculture and Industries upon the applicant therefor complying with the rules and regulations, adopted by the State Board of Agriculture, and upon the payment of a license fee of one dollar. The license so issued, unless it be revoked, shall be valid until the next succeeding January 1. Any license issued under the provisions of this section may be, with the approval of the State Board of Agricul-

ture, revoked by the Commissioner of Agriculture and Industries upon proof being made, or submitted, to the Commissioner of Agriculture and Industries, that the licensee's plant or premises is in an unsanitary condition, after five day's notice being given in writing to the licensee thereof, by the Commissioner of Agriculture and Industries, or by his duly authorized agent, or after such notice having been given the agent of licensee in charge of such place or premises; or such license may be revoked by the Commissioner of Agriculture and Industries for the repeated non-observance by the licensee of any of the provisions of this Article. If after the revocation of a license, the former holder of such license shall comply with the requirements of the provisions of this Article, and shall make manifest his intention to observe them in the future, the Commissioner of Agriculture and Industries with the approval of the State Board of Agriculture must issue to him another license upon his paying the requisite fee therefor.

Section 8. It shall be unlawful for any person to operate a milk or cream testing apparatus to determine the percentage of milk fat in milk or cream for the purpose of purchasing same, either for himself or another, without first securing a license from the Commissioner of Agriculture and Industries, who shall issue such license upon a form prepared by him, upon payment of a fee of one dollar, for a period of twelve months; provided the applicant for license shall pass a satisfactory personal examination that shall satisfy said Commissioner that he is competent and qualified to operate and use such apparatus and make an accurate test with same which license may be revoked by the Commissioner when it shall be shown that such licensed person is incompetent or unreliable. Any person making application for testers license may be issued a permit by the Commissioner to do testing until such time as a personal examination can be given by the Commissioner or his duly authorized agent. The testing of each lot of milk or cream by any unlicensed person shall constitute a separate offense under this Article; provided, that any licensed person may for a valid reason satisfactory to said Commissioner, appoint a substitute for a period not to exceed fifteen days, and subject to the approval of said Commissioner.

Section 9. It shall be unlawful for any person, either for himself or another to falsely manipulate or under-read or over-read or take inaccurate samples or take any false determinations by Babcock test or any other contrivance used to determine the quantity of fat in milk or cream or value of milk or cream delivered to a creamery, cheese factory, condensory, ice cream plant, milk plant, or milk depot, or when sold or purchased. The test shall be clear oil, free from sediment, solids, or other

foreign substance, and must be read at a temperature of 125 degrees—140 degrees F. Cream test must be weighed. The scales must be sensitive and accurate. The tester and owner or owners are jointly responsible for their accuracy. All licensed receiving stations, conducted for the purchase of butter fat either in the form of cream or milk, shall retain in a cool, clean sanitary place, and in tightly stopped bottles, or tightly covered jars the exact, properly labeled samples of cream or milk from which the butterfat test has been conducted, until 4 P. M. of the day following the application of the test where daily testing is practiced, and until 4 P. M. of the second day following the application of the test where composite testing of individual deliveries is practiced.

Section 10. For the purpose of this Article, ice cream is hereby defined and standardized: 1st. Ice cream is the frozen compound, varied as to kind and proportion of ingredients, within the limit established by custom and usage. 2nd. Ice cream consists chiefly of a sweetened and flavored mixture of cream, or milk and cream, or milk with or without added milk fat in the form of sound sweet butter, or as contained in condensed, evaporated or concentrated milk or in milk powder and with or without added milk solids not fat and in the form of skimmed milk powder or as contained in milk powder or in condensed, evaporated or concentrated skimmed milk or of sweetened and flavored homogenized or emulsified mixture of sound sweet butter, milk powder, or skimmed milk powder and water, with the addition of jelatine, vegetable gums or other wholesome stabilizer. 3rd. Standard ice cream contains not less than eight per cent butter fat and the total content of solids shall be not less than thirty-one per cent except that when the ingredients of standard ice cream include eggs, fruit, or fruit juices, cake, confection, cocoa, or chocolate or nuts, such reduction of the percentage of butter fat as may be due to the addition of such ingredients shall be allowed, provided such milk fat content is not less than six per cent. For the purpose of this Article, ice cream shall be deemed to be adulterated: 1st. If in quantity or grade it is lower than the professed standard of quality or grade under which it is sold or offered for sale. 2nd. If it contains any poisonous or other deleterious ingredients which may render such ice cream injurious to health. 3rd. If it contains any rancid or renovated or process butter or any fat or oil other than milk fat and the fat or oil of contained eggs and nuts, and the fat or oils of substances used for flavoring. 4th. If it contains in whole or in part any filthy or decomposed substances which may render such ice cream injurious to health. 5th. If it contains less weight per unit volume than the standards promulgated from time to time by the State Board of Agri-

culture. For the purpose of this Article ice cream shall be deemed to be misbranded: 1st. If the label, brand, tag or notice under which it is sold is false or misleading in any particular as to the kind, grade or quality, or composition of such ice cream. 2nd. If it is sold as the product of one manufacturer when in reality it is the product of another manufacturer; or if on the label, brand, tag or notice under which it is sold there is any false statement concerning the sanitary conditions under which it is manufactured.

Section 11. No person shall hereafter, without the consent of the owner, use, sell, dispose of, buy or traffic in, any milk can, jar or bottle, or cream can, jar or bottle, or tub or willfully mar, erase or change by re-marking or otherwise any name or initials of any such owner so stamped, marked or fastened upon such can, jar, bottle or tub; nor shall any person, without the consent of the owner, place in any can, jar or bottle or tub, any substance or product other than milk or cream.

Section 12. Whenever any person receives or purchases milk or cream upon the basis of the amount of milk fat contained therein, and used for ascertaining the amount of such fat, the system or test known as the Babcock test, the bottles and pipettes used in such test shall conform to the standard specifications promulgated by the State Board of Agriculture. All bottles and pipettes used in measuring milk or milk products for making determination of the percent of fat in said milk or milk products, shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word "sealed," and in the side of the pipette, or the side or the bottom of the bottle, the name, initials, or trade mark of the manufacturer and his designating number, which designating number shall be furnished by the Commissioner of Agriculture and Industries upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum of one thousand dollars, with the sureties to be approved by said Commissioner, conditioned upon conformance with the requirements of this section. A record of the bonds furnished, the designating number and to whom furnished shall be kept in the office of said Commissioner. Any manufacturer who sells Babcock or other milk, cream, or better test bottles or pipettes, to be used in this State, that do not comply with the provisions of this section, shall suffer a penalty of five hundred dollars, to be recovered by the Attorney General of the State in action in the name of the State upon the bond of such manufacturer. No person shall use, for the purpose of determining the per cent of milk fat in milk or milk products, any bottles or pipettes purchased after six months from the date on which this Article shall take effect, unless they comply with the provisions of this section relating

thereto. The Commissioner of Agriculture and Industries shall make or cause to be made, from time to time, tests of individual bottles and pipettes used by the various firms in this State in order to ascertain whether the above provisions are being complied with, and shall report any violations found to the prosecuting attorney.

Section 13. Creameries, ice cream plants (milk plants and cream and milk stations, when buying cream, or milk for plants operating outside this State), shall report annually on or before the first day of December of each year the amount of milk or cream, or both, purchased during the preceding year, ending November first, with the amount of fat in the milk or cream, or both, and the total price paid for same, according to and on blanks furnished by said Commissioner of Agriculture and Industries.

Section 14. The State Board of Agriculture shall make such reasonable rules and regulations as may be deemed necessary for the protection and development of all dairy interests in Alabama; provided, that such rules and regulations shall not go into effect until after all State Dairying (creamery, ice cream, etc.) Associations have been given due notice and a reasonable time and opportunity to be heard before the said Board on them, and provided that such rules and regulations shall not invade the domain of public health laws or ordinances nor restrict the powers of the State Board of Health, nor local Boards of Health.

Section 15. Any person violating any provisions of this Article shall be guilty of a misdemeanor, and, on conviction shall, unless otherwise provided, be fined not more than fifty dollars for each offense, and may be confined in the county jail for not more than thirty days.

ARTICLE 7.

IMITATION BUTTER, IMITATION CHEESE AND RENOVATED BUTTER.

Section 1. Every article, substitute or compound, save that produced from pure milk or cream from milk cows, made in the semblance of or design to be used for and in the place of butter is, imitation butter; and every article, substitute or compound, save that produced from pure milk or cream from milk of cows, made in the semblance of or design to be used for and in the place of cheese, is imitation cheese. No person shall manufacture, sell, solicit or take orders for delivery, ship, consign or forward by any common carrier, public or private, and no common carrier shall knowingly receive or transport, any such imitation butter or cheese except in the manner and subject to the regulations provided in this Article.

Section 2. A substitute for butter and cheese, not having a yellow color nor colored in imitation of butter and cheese as prohibited in this article, may be manufactured, sold, shipped, consigned or forwarded by common carriers, public or private, if each tub, firkin, box or other package in which the same is kept, sold, shipped, consigned or forwarded shall have branded, stamped or marked on the side or top thereof in the English language in a durable manner in the words "substitute for butter" or "substitute for cheese," as the case may be, the letters of the words to be not less than one inch in length by one-half inch in width. The defacing, erasure, cancelling or removal of this brand or mark with intent to mislead, deceive, or violate any section of this article is prohibited. Substitute for butter or cheese may be kept, used or served as a food or for cooking in hotels, restaurants, lunch counters, boarding houses, or other places of public entertainment, only in case the proprietor or persons in charge of such place shall display and keep constantly posted a card opposite each table or other place where the guests or others are served with the same, which card shall be white, at least ten by fourteen inches in size, the words "substitute for butter used here" or "substitute for cheese used here," as the case may be, printed in black Roman letters of the same size as herein required to be placed upon the tubs, firkins, boxes, or other packages in which substitute for butter or cheese is kept, and no other words or figures shall be printed thereon. No substitute for butter or cheese shall be offered for sale in the manufacturers' original package under the name of or for true butter or cheese made from the milk or cream of cows, nor shall any substitute for butter or cheese be offered for sale or sold unless the purchaser at the time was informed thereof, and, in addition, furnished with a printed statement in the English language in prominent type that the substance sold is such substitute, and giving the name and place of business of the maker. Nothing herein contained, however shall be so constructed as to prohibit the transportation of imitation butter or cheese through and across the State.

Section 3. No person shall have in his possession or under his control any substance designed as a substitute for butter or cheese, unless the tub, firkin, box or package holding the same is branded or marked as required in this Article. No person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy" or the name or representation of any breed of dairy cattle, or any combination of such word or words and representations, or any other words or symbols or combination thereof commonly used in the sale of butter.

Section 4. No person shall sell, in this State any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and re-churning or re-working the said mixture or that produced by any process that is commonly known as boiled, process or renovated butter, unless the words "renovated butter" shall be plainly branded with Gothic or bold faced betters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case, or package, or on the wrapper of prints or rolls in which it is put up. If such butter is exposed for sale uncovered or not in a case or package, a placard containing the labels so printed shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

Section 5. The Commissioner of Agriculture and Industries and his duly authorized agents shall be charged with the proper enforcement of all the provisions of this article, and any necessary rules and regulations adopted by the State Board of Agriculture.

Section 6. Any person who violates any provisions of this Article shall be deemed guilty of a misdemeanor and shall for each offense, upon conviction thereof, be subject to a fine of not less than fifty dollars, nor more than one hundred dollars or of imprisonment in the county jail for any period not to exceed six months.

ARTICLE 8.

SAUSAGE.

Section 1. It shall be unlawful for any person to sell, sausage that is adulterated within the meaning of this Article. Sausage when used in this article shall be deemed to include Bologna, Wienewurst, and Frankforts.

Section 2. For the purpose of this Article, sausage or sausage meat shall be held to be comminuted meat from meat of cattle or swine, or a mixture of such meats, either fresh, salted, pickled or smoked, with added salt and spices, and with or without the addition of edible animal fat, blood and sugar, or subsequent smoking. It shall contain no larger amount of water than the meats from which it is prepared contain when in their fresh condition.

Section 3. For the purpose of this article sausage shall be deemed to be adulterated: First, If it contains added water in

excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter. Second, If it contains any cereal or vegetable flour. Third, If it contain any coal-tar, dye, boric acid or borates, sulphites, sulphur dioxide, sulphurous acid, or any other substances injurious or deleterious to health. Fourth, If it contains any diseased, contaminated, filthy or decomposed substance; or is manufactured, in whole or in part from a diseased, contaminated, filthy or decomposed substance, or a substance produced, stored, transported or kept in a way or manner that would render the article diseased, contaminated or unwholesome; or if it is any product of a diseased animal, or the product of any animal which has died otherwise than by slaughter. Nothing in this article shall be construed prohibiting the sale of sausage which when properly labeled shall conform to the following standard: Sausage shall not contain cereal in excess of two per cent. When cereal is added its presence shall be noted on the label or on the produce. That water or ice shall not be added to it except for the purpose of facilitating grinding, chopping and mixing, in which case the added water or ice shall not exceed three per cent except as provided in the following paragraph. Sausage of the class which are cooked or smoked, such as Frankfort style, Vienna style and Bologna style, may contain added water in excess of three per cent, but not in excess of amount sufficient to make the sausage palatable. When water in excess of three per cent is added to this class of sausage, the statement "sausage, water and cereal" shall appear on the label or on the product, but when no cereal is added, the addition of water need not be stated.

Section 4. Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars, nor more than two hundred dollars, or to undergo an imprisonment of not less than thirty days, nor more than sixty days, or both or either, in the discretion of the court.

Section 5. The Commissioner of Agriculture and Industries shall be charged with the enforcement of the provisions of this Article, and with the execution of any necessary regulations adopted by the State Board of Agriculture for its enforcement.

ARTICLE 9.

VINEGAR.

Section 1. All vinegar made by fermentation without distillation must carry in solution the extractive matter derived exclusively from the fruit, grain, sugar or sirup from which it

was derived and fermented, and comply with the following definitions: The terms "cider vinegar" and "apple vinegar" or words of similar import, shall be construed to mean the product made exclusively from the expressed juice of apples by alcoholic and subsequent acetous fermentations. The terms "wine vinegar" and "grape vinegar" or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of the expressed juice of grapes. The terms "malt vinegar" or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of an infusion of barley malt or cereals whose starch has been converted by malt. The term "sugar vinegar" or words of similar import shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of solution of sugar, sirup, molasses or refiners' sirup. The terms "glucose vinegar" or "corn sugar vinegar" or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations without distillation of solutions of corn sugar or glucose prepared from corn starch. The term "spirit vinegar," "distilled vinegar" or "grain vinegar" or words of similar import, shall be construed to mean the product made by the acetous fermentation of dilute distilled alcohol derived from grain. The term "evaporated apple products vinegar" or "vinegar made from evaporated apple products" or words of similar import, shall be construed to mean the product made by the alcoholic and subsequent acetous fermentations of the aqueous extract obtained from clean, sound, unfermented dried chopped apples or dried apple skins or cores.

Section 2. Vinegar which fails to comply with such definitions or which contains any substance or ingredient not derived exclusively from the fruit, grain, sugar or sirup from which it shall so be made, or which contains less than four grams of acetic acid in one hundred cubic centimeters of the vinegar at twenty degrees centigrade, shall be deemed adulterated.

Section 3. The product made by the destructive distillation of wood known as pyroligneous acid, or acetic acid derived from other sources than fruit, grain, sugar or sirups, shall not be sold, as vinegar or in any mixture of vinegars or compound vinegar.

Section 4. Mixtures of two or more of the foregoing vinegars are "compounds" and packages containing the same shall be plainly marked with the word "compound" together with the proportions of the vinegar so mixed, in addition to the other requirements hereof. No such compound shall be made in imitation of any other kind of vinegar or be sold in Alabama.

Section 5. Packages containing vinegar which has been re-

duced with water must be plainly marked "reduced to..... per cent acid strength," indicating the acidity to which it has been reduced.

Section 6. Every manufacturer, producer or distributor of vinegar shall plainly mark each cask, barrel or other container of such vinegar with his name and place of business, the kind of vinegar therein contained, in the terms above defined, and no person shall falsely mark any package containing any vinegar so defined with any other brand or designation or with any additional words, marks or description which shall be false or deceptive in any particular whatever. Every person who sells any vinegar except it be delivered to the purchaser in the unbroken package of the manufacturer or distributor shall plainly and conspicuously mark the receptacle or container in which such vinegar is delivered to the purchaser, whether such receptacle or container be furnished by the seller or purchaser, with the kind of vinegar so delivered.

Section 7. No person, shall manufacture, or sell, in this State: 1. Any vinegar so defined which does not comply with such definitions. 2. Any adulterated or misbranded vinegar. 3. Any vinegar or product in imitation of any vinegar so defined. 4. Any vinegar to which any artificial coloring matter has been added of any kind whatever, or which contains any substance or ingredient not derived directly from the fruit, grain, sugar or sirup from which it purports to have been made.

Section 8. The Commissioner of Agriculture and Industries shall enforce the provisions of this article. He shall also sample or cause to be sampled vinegars, sold in Alabama, under appropriate rules and regulations adopted by the State Board of Agriculture.

Section 9. Violation of this Article shall be a misdemeanor and punished by a fine of not less than \$100, nor more than \$500 for the first offense, and not less than \$500 nor more than \$1,000 for all subsequent offenses.

ARTICLE 10.

EGGS.

Section 1. No person shall sell any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food. For the purposes of this article, an egg shall be deemed unfit for human food if it be addled or moldy, a black rot, a white rot, or a blood ring, or if it has an adherent yolk, or a bloody or green white, or if it be incubated beyond the blood ring stage; or if it consists in whole or in part of a filthy, decomposed or putrid substance.

Section 2. No person shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section one of this Article than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the State Board of Agriculture. All such records shall be open at all reasonable times for examination by the Commissioner of Agriculture and Industries or his agent. Every person engaged in the business of buying eggs in this State for re-sale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

Section 3. There shall be placed in the top layer of every case of candled eggs, by the person candling same, a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than $2\frac{3}{8} \times 4\frac{1}{4}$ inches, and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials or number of the person candling the eggs, and the name of the State and the license number of the persons, firm or corporation for which the eggs were candled. Such certificate shall be in the following words and form: The eggs in this case were candled

By.....
 (Date) (Signature of person candling the eggs)
 License No. Ala.

(Address)

Section 4. The legal weight standard of eggs in the State of Alabama shall be as follows: Extras; No. 1; No. 2; and No. 3. Extras must weigh over 26 ounces per dozen net. No. 1 must weigh 24-26 ounces per dozen net. No. 2 must weigh 20-24 ounces per dozen net. No. 3 those eggs that weigh less than 20 ounces per dozen net. When eggs are sold on the basis of the legal weight standard, the retail price will be quoted as of grade No. 1. If other than grade No. 1, proper adjustment must be made.

Section 5. Definition of terms. Unless the context otherwise requires, words and phrases employed in this Article shall have the meaning hereinafter defined. (a) The term "eggs" or "fresh eggs" shall be used only for eggs that are sound, sweet, clear and full (not more than two and five-tenths miligrams of ammonia per one hundred grams of eggs), and which have not been held for more than fourteen days after having been dropped from the hen. (b) The term "cold storage eggs" shall be used on all eggs which have been held in cold storage for a period exceeding thirty days. They shall be sound, sweet, clean and reasonably full, and shall contain not to exceed four milligrams of ammonia per one hundred grams of egg. (c) "Pre-

served" eggs mean all eggs in which the natural deterioration has been prevented or retarded by any means, process or treatment whatsoever. (d) "Yolk stuck to the shell" means an egg in which the yolk has settled to one side and become fastened to the shell. (e) "Heavy blood rings" means an egg in which the germ has developed to such an extent that blood has formed, and when this development stops the blood collects in a ring on the inside of the shell. (f) "Partly hatched" eggs means eggs in which the germ has developed to such an extent that the outline of the embryo chick can be detected. (g) "Moldy" eggs means eggs which through improper care have deteriorated so that mold spores have formed within the eggs. Such eggs when broken usually have a moldy or musty smell. (h) "Black spots" mean eggs in which mold or bacteria have developed in isolated areas inside the shell. (i) "Black rots" means eggs which have deteriorated to such an extent that the whole interior presents a darkened appearance. (j) "A container" means any standard egg case, carton, can, basket, box, bag or any other receptacle in which eggs are handled. (k) The term "candle" means the determination of the condition of any egg by holding it before a strong light in such a way that the rays of light will shine through the egg and reveal its contents to the operator.

Section 6. Cold storage and preserved eggs. No person, firm or corporation, by himself or his agents, shall sell, agree to sell, or advertise for sale any cold storage or preserved eggs without making it known to the purchaser, or prospective purchaser, that the eggs are cold storage or preserved eggs, and all boxes or other receptacles in which cold storage or preserved eggs are displayed for sale, sold, or delivered, in wholesale or retail, shall be marked or lettered in a conspicuous manner with the words "cold storage eggs" or "preserved eggs."

Section 7. For the purpose of enforcing the provisions of this Article, it is hereby required that thirty days after this Article takes effect, and on or before the first day of April annually thereafter, no person shall engage in the business of buying, selling, dealing in or trading in eggs, except those retailers who buy direct from licensees only and who do not sell in lots greater than one case, without first obtaining from the Commissioner of Agriculture and Industries, license to conduct such business. Said Commissioner, upon receipt of a proper application upon forms such as he may prescribe, accompanied by an annual license of \$1.00, shall thereupon issue to such person an annual license to engage in such business. Provided, that any person operating more than one place of business where eggs

are bought, shall procure a license for each such place of business. All such licenses shall expire at the close of business on March 31 of each year.

Section 8. The Commissioner of Agriculture and Industries shall enforce the provisions of this article and all suitable standards, definitions, rules and regulations for carrying out its provisions as are adopted by the State Board of Agriculture. He shall determine the conditions under which eggs previously candled shall be recandled before sale, in order to safeguard the purchaser against buying such eggs as are unfit for human food, which may be contained in such lot.

Section 9. Any person failing to comply with the requirements of, or violating any of the provisions of this Article, shall be guilty of a misdemeanor, and shall, upon conviction for the first offense, be fined not less than \$10.00 nor more than \$50.00. For any subsequent offense his license may be suspended or revoked, at the discretion of the Commissioner of Agriculture and Industries. Should any person be convicted of buying or trading in eggs during the time of the suspension of his license as specified in a written order by said Commissioner or his agent or after the date on which his license was ordered to be revoked, the offender shall be punished by a fine of one hundred dollars for each offense.

ARTICLE 11.

CORN MEAL.

Section 1. Any miller, or person shall be guilty of a misdemeanor who manufactures, grinds, or re-packs corn meal, or who conducts a merchant mill, to pack or cause to be packed, or be offered for sale to merchants or the general public, or to carry in stock with intent to sell, corn meal, bolted or unbolted, packed in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pound, and ninety-six pound sacks, or ninety-six pound barrels, and one hundred and ninety-six pound barrels, wood; or shall fail to have plainly printed or stenciled upon them "bolted meal," or "unbolted meal," steam or water ground, as the case may be, as indicating the kind of power used in the mill producing the same, "eighth bushel," "fourth bushel," or "peck," "half bushel," "one bushel," "two bushels," and the barrel and half barrel, or who shall fail to show the net weight in pounds.

Section 2. Any merchant, dealer, vendor, hawker, or other person, who sells any corn meal, bolted or unbolted, in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds, and ninety-six pound sacks, or ninety-six pound half barrels, and one hundred and ninety-six pound bar-

rels, wood, shall be guilty of a misdemeanor; provided any retail merchant, may, on order, weigh and sell, from bulk meal, any number of pounds desired by any individual customer.

Section 3. Any person, convicted under either of the two preceding sections, shall be fined not less than fifty nor more than one hundred dollars for the first offense, but on the second conviction shall be fined not less than one hundred nor more than five hundred dollars, one-fourth of said fine in either instance shall be paid to the informer furnishing proof leading to a conviction, out of the county treasury, after the payment of such fine upon the order of the Solicitor prosecuting the case.

Section 4. The Commissioner of Agriculture and Industries shall cause to be made from time to time such investigations as may be necessary to determine whether the provisions of this Article have been complied with. If it shall appear from such investigations that any provisions of this Article have been violated, he shall certify the facts to the solicitor in the county or district in which the violation was committed and furnish that officer with the facts in the case.

Section 5. Should during the operation of this Article, a national decimal weight bill or other bill be passed by Congress, authorizing the sale in interstate commerce of corn meal in packages or bags differing in weight and branding from the weights and branding prescribed in Sections 1 and 2 of this Article, the weights and branding described in the national bill for interstate commerce may for the sake of uniformity become operative in the intrastate trade of Alabama, in lieu of the weights and branding herein prescribed in Sections One and Two: provided that the Commissioner of Agriculture and Industries issue and give publicity to this effect.

ARTICLE 12.

MILLS AND MILLERS.

Section 1. The owners and keepers of public mill, and their employees, must grind the grain brought to their mills in rotation, as it is received, and as well as the condition of the mill and water or other power will permit; and may take and receive toll one-eighth of the grain, and no more; but nothing in this section is to be construed as to prevent the owner of any mill from grinding his own grain at any time.

Section 2. All grist mills and other mills which grind for toll, are public mills, within the meaning of this Article.

ARTICLE 13.

BEES AND HONEY.

Section 1. All honey bees shipped or moved into the State of Alabama shall be accompanied by a certificate of inspection signed by the proper official of the State from which shipment is made, certifying that said bees and their combs and hives have been inspected by said official, and that said bees, their combs and hives, are apparently free from contagious and infectious disease, and same must be based upon an actual inspection of the bees themselves within a period of sixty days preceding date of shipment, and said certificate shall be attached to each parcel of each shipment, in a conspicuous place, plainly written; provided that when honey bees are shipped into this State from other states or countries where no official inspector is available, the Commissioner of Agriculture and Industries may issue a permit for bees free from disease; and provided, further, that the provisions of this Section shall not apply to shipments of live bees in wire cages without combs or honey.

Section 2. The State Board of Agriculture shall have full and plenary power to deal with American and European foul brood, Isle of Wight disease, and all other contagious and infectious diseases of honey bees which in their opinion, may be prevented, controlled or eradicated; and to do and perform all such acts through the Commissioner of Agriculture and Industries, his agent or employee, and otherwise, as in their judgment may be necessary, to control, eradicate or prevent the introduction, spread or dis-semination of any and all contagious diseases of honey bees, as far as may be possible, and all such rules and regulations shall have the force and effect of law.

Section 3. The Commissioner of Agriculture and Industries, his agents or employees, shall have authority to enter any depot, express office, store room, ware room, warehouse, or other premises for the purpose of inspecting honey bees or bee keeping fixtures or appliances therein, or thought to be therein, for the purpose of ascertaining whether said bees or fixtures or appliances are infected with any contagious or infectious disease, or which they have reason to believe have been or are being transported in violation of any of the provisions of this Article. And said Commissioner, as the executive officer of the State Board of Agriculture, may require the removal from this State, or the destruction, treatment, or other disposition of, any honey bees or bee keeping fixtures or appliances which have been brought into the State in violation of the provisions of this Article, or, if finding any honey bees or fixtures infected with any contagious or infectious diseases, or, if finding that such bees or fixtures have been exposed to danger of infection by

such diseases, may require the destruction, treatment or disinfection of such infected or exposed bees, hives, fixtures or appliances.

Section 4. It shall be the duty of the Commissioner of Agriculture and Industries of this State, to inspect or cause to be inspected shipments of bees, combs and hives from this State going into other States or countries requiring certification of such bees, and if found free from contagious and infectious diseases to certify said shipments.

Section 5. Any person, firm or corporation violating any of the provisions of this Article, or any of the rules and regulations promulgated by the State Board of Agriculture shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than \$500.00, or punished by imprisonment for not more than six months in the county jail.

ARTICLE 14.

AGRICULTURAL SEEDS.

Section 1. That the term "agricultural seeds" or "agricultural seed," as used in this Article, shall be defined as the seeds of Canada bluegrass, Kentucky bluegrass, brome grass, fescues, millets, tall meadow oat grass, orchard grass, red top, Italian rye grass, perennial rye grass, kaffir corn, sorghum or cane, Sudan grass, timothy, alfalfa, alsike clover, crimson clover, mammoth or sapling clover, red clover, sweet clover, white clover, bur clovers, Canada field peas, cow peas, soy beans, velvet beans, vetches and other grasses and forage plants, buckwheat, flax, rape, barley, field corn, oats, rye, wheat and other cereals, which are sold within the State of Alabama for seeding purposes within this State.

Section 2. Every lot of agricultural seeds, as defined in Section 1, except as herein otherwise provided, when in bulk, packages or other containers of five pounds or more, shall have affixed thereto, in a conspicuous place on the exterior of the container of such agricultural seeds, a plainly written or printed tag or label in the English language; provided, however, that no tag or label shall be required, unless requested, on seeds when sold directly to, and in the presence of the consumer and taken from container properly labeled in accordance with the provisions of this Article; and further provided, that this shall in no way exempt the vendor from the analysis given on the bag or label attached to any container, stating: A. The commonly accepted name of such agricultural seeds and the bushel weight thereof. B. The approximate percentage by weight of purity; meaning the freedom of such agricultural seeds from inert matter, and from other seeds distinguishable by their appearance.

C. The approximate total percentage by weight of weed seeds, the term "weed seeds" as herein used, being defined as the seeds of the noxious weeds listed in Section 2D below, and all seeds not listed in Section 1 as agricultural seeds. D. The name of each kind of the seeds, bulblets or tubers of the following named noxious weeds which seeds, bulblets or tubers are present, singly or collectively as follows: (1) In excess of one seed, bulblet or tuber in each five grams of timothy, red top, tall meadow oat grass, orchard grass, crested dogtail, Canada bluegrass, Kentucky bluegrass, fescues, brome grass, perennial and Italian rye grass, western rye grass, crimson clover, mammoth clover, red clover, white clover, alsike clover, sweet clover, alfalfa, unhulled bur clovers, and all other grasses and clovers not otherwise classified; (2) one in twenty-five grams of millets, rape, flax, and other seeds not specified in (1) or (3) of this subsection; (3) one in one hundred grams of wheat, oats, rye, barley, buckwheat, vetches, and other seeds as large or larger than wheat. For the purposes of this Article, the following shall be defined as noxious weeds: Garlic or wild onion (*Allium vineale*) Bermuda grass (*Cynodon dactylon*), quack grass (*Agropyron repens*), dodder (*Cuscuta* species), Johnson grass (*Sorghum halepense*), nut grass (*Cyperus rotundus*), Canada thistle (*Cirsium arvenae*), Hawkweed (*Hieracium* species), corn cockle (*Hychnis githago*) and chicory (*Cichorium Intybus*). E. The approximate percentage of germination of such agricultural seeds, together with the month and year said seed was tested; provided, however, that this statement shall not be a basis for prosecution under this Article; and provided further that the Commissioner of Agriculture and Industries shall be empowered to test and publish the results of such tests as herein provided, together with the month and year such test was made by said Commissioner, together with the percentage of germination and date of test as shown on tag or label. F. The full name and address of the person assuming the responsibility, under the conditions of this Article, for the information placed on the tags, or labels, as required by this Section.

Section 3. Mixtures of alsike and timothy, alsike and white clover, red top, and timothy, alsike and red clover, when sold as mixtures, and in lots of five (5) pounds or more shall have affixed thereto, in a conspicuous place on the exterior of the container of such mixture of seeds, a plainly written or printed tag or label in the English language, stating: A. That such seed is a mixture. B. The name and approximate percentage by weight of each kind of agricultural seed present in such mixture, in excess of five (5) per cent by weight of the total mixture. C. The approximate percentage by weight of weed seeds as defined in Section 2-C of this Article. D. The name of each:

kind of the seeds, bulblets or tubers of the noxious weeds listed in Section 2-D of this Article, which seeds, bulblets or tubers are present singly or collectively in excess of one seed, bulblet, or tuber in each fifteen (15) grams of such mixture. E. The approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five (5) per cent by weight, together with the month and year said seed was tested; provided, however, that this statement shall not be a basis for prosecution under this Article; and provided further that the Commissioner of Agriculture and Industries shall be empowered to test and publish the results of such tests as herein provided, together with the month and year such test was made by said Commissioner, together with the percentage of germination and date of test as shown on tag or label. F. The full name and address of the person assuming the responsibility, under the conditions of this Article, for the information placed on the tags and labels required by this Section.

Section 4. Special mixtures of agricultural seeds, except as specified in Section 3 of this Article, when sold as mixtures in bulk, packages or other containers of eight ounces or more shall have affixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly written or printed tag or label in the English language; provided, however, that no tag or label shall be required, unless requested, on seeds when sold directly to and in the presence of the consumer and taken from container properly labeled in accordance with the provisions of this Article; and further provided, that this shall in no way exempt the vendor from the analysis given on the bag or label attached to any container, stating: A. That such seed is a mixture. B. The name of each kind of agricultural seed which is present in proportion of five (5) per cent or more of the total mixture. C. The approximate total percentage by weight of weed seeds as defined in Section 2-C of this Article. D. The approximate percentage by weight of inert matter. E. The name of each kind of the seeds, bulblets, or tubers of the noxious weeds listed in 2-D, which are present, singly or collectively, in excess of one seed, bulblet, or tuber, in each fifteen (15) grams of such mixture. F. The full name and address of the person assuming the responsibility under the conditions of this Article, for the information placed on the tags or labels as required by this Section.

Section 5. Agricultural seeds or mixtures of same shall be exempt from the provisions of this Article: A. When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes. B. When in store for the purpose of recleaning or not possessed, sold or offered for sale for seeding purposes within the State of Alabama. C. When sold by one

farmer to another, provided that if such seed is advertised for sale and is delivered through a common carrier, then the seller shall be deemed to be a vendor and said seed and seller shall be subject to all of the requirements of this Article.

Section 6. In case a sample of seed, drawn as provided for in this Article, upon test or analysis is found to fall, in excess of the allowance for variation made by the Commissioner of Agriculture and Industries, below the statement on the tag or label attached to the lot from which the sample was drawn, or to violate any of the provisions of this Article, the vendor or consignee of said lot of seed shall be notified and a copy of said notice mailed to the person whose tag or label was found affixed thereto.

Section 7. It shall be unlawful for any person to sell within this State any agricultural seeds or mixtures of agricultural seeds, as defined in this Article, for seeding purposes within this State without complying with the requirements of this Article, or falsely to mark or label any agricultural seeds, or to interfere in any way with the Commissioner of Agriculture and Industries in the discharge of his duties herein named and as required elsewhere in this Article.

Section 8. When any lot of agricultural seed or mixture of agricultural seeds is sold as free of weed seeds, this Article shall be deemed to be violated unless proper indication of such freedom is given on the tags or labels attached to such seed.

Section 9. Any citizen of Alabama shall have the privilege of submitting to the Commissioner of Agriculture and Industries samples of agricultural seeds for test and analysis, subject to such rules and regulations as may be promulgated by the State Board of Agriculture; provided that said Board of Agriculture may by such regulations fix the maximum number of samples that may be tested or analyzed free of charge for any one citizen in any one period of time and fix charges for tests or analysis of samples submitted in excess of the number tested free of charge.

Section 10. This Article shall take effect January 1, 1924.

ARTICLE 15.

COMMERCIAL FEEDS.

Section 1. The term "commercial feeds" shall be held to include all feeding stuffs used for feeding live stock and poultry, except whole seed or grains; the unmixed meals made directly from entire grains of corn, wheat, rye, barley, oats, buck wheat, flaxseed, kaffir and milo; whole hays, straws, cotton seed hulls and corn stover when unmixed with other materials; all other

materials containing sixty (60) per cent or more water.

Section 2. Every lot or parcel of commercial feeds sold in this State shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying the net weight of the package (provided that all commercial feeds shall be in standard weight bags or packages of 25, 50, 100, 150 or 200 pounds, except that packages weighing eight and one-third pounds net may be distributed to retailers in one hundred pound containers and sold only when the packages are tagged or labeled as provided in this article and the one hundred pound container have affixed thereto a one cent tax stamp); the name, brand, or trademark under which the article is sold; the name and address of the manufacturer, jobber or importer, the names of each and all ingredients of which the article is composed; a statement of the minimum percentage of crude protein, minimum percentage of crude fat, and carbohydrates in terms of maximum percentage of crude fiber, and minimum percentage of nitrogen free extract. All four constituents to be determined by the methods in use at the time by the association of official agricultural chemists of the United States.

Section 3. Before any person shall sell, in this State any commercial feeds, he or they shall file with the Commissioner of Agriculture and Industries, a certified copy of the statement specified in Section Two of this Article for each brand of commercial feeds, said certified copy to be accompanied by a fee of two dollars for each brand offered for registration, and it is further provided that said brand shall be registered each fiscal year. Said statement shall be accompanied, on request, by a sealed glass jar or bottle containing at least one pound of such seeds to be sold, which sample shall correspond within reasonable limits to the feeds which it represents in the percentage of crude protein, crude fat, and carbohydrates which it contains.

Section 4. Each and every person manufacturing or selling any commercial feeds as defined in Section One of this Article, shall pay to the Commissioner of Agriculture and Industries, a stamp tax fee of twenty (20) cents per ton for each ton of commercial feeds sold in this State, and shall affix to or accompany each lot shipped in bulk, each bag or parcel of such commercial feeds, a stamp to be furnished by the Commissioner of Agriculture and Industries, specifying that all charges specified in this Section have been paid. Provided that the fact that any commercial feeds as defined in Section One of this Article may have value or utility as a fertilizing material, or is capable of being used as a fertilizer, shall not operate to exempt such material from the stamp tax or fee herein specified, or from tagging with

regard to its feed constituents. Provided further that the same material shall not be subject to the imposition of both the feed stuff tax stamp and the fertilizer tag tax. Whenever any commercial feeds as defined in Section One of this Article, is kept for sale in bulk, stored in bins, or otherwise, the person keeping the same for sale shall keep on hand cards upon which shall be printed the statement required by the provisions of Section Two of this Article, and when such feeds are sold at retail in bulk, or in packages belonging to the purchaser, the person shall furnish the purchaser with sufficient stamps to cover the sale, and upon request with a card or cards, upon which appears the statement required by the provisions of Section Two of this Article; provided that nothing in this Article shall be construed to restrict or prohibit the sale of commercial feeds in bulk to each other by persons who mix commercial feeds for sale; but all such persons shall attach to such feeds a tag stating that it is to be used for mixing purposes only, and this tag shall give the number of pounds in bulk, or package, the name of the manufacturer, the name of the feeds, and its analysis, showing crude protein, crude fat, and carbohydrates; and a duplicate of said tag shall be sent to the Commissioner of Agriculture and Industries together with a request for inspection. The Commissioner of Agriculture and Industries is hereby empowered to prescribe the form of such tax stamps; but no stamp or label shall be used or authorized by him until and after the same has been copyrighted according to the laws of the United States Patent Office.

Section 5. Whenever a person manufacturing or selling a brand of commercial feeds shall have filed a statement required by Section Three of this Article and paid the stamp tax or fee, as required by Section Four of this Article, no other person shall be required to file such statement or pay such tax or fee upon such brand.

Section 6. The Commissioner of Agriculture and Industries shall have the power to refuse to register any commercial feeds under a name, brand, or trademark, or with a mixture of ingredients, which would be or tend to be misleading or deceptive as to the materials of which it is composed, or when the specific name of each and all the ingredients used in the manufacture are not stated. He shall also have the power to refuse to register more than one commercial feed under the same name or brand when offered by the same manufacturer, or other person. Should any commercial feeds be registered in this State and it is afterwards discovered that such registration is in violation of any of the provisions of this Article, the Commissioner of Agriculture and Industries shall have power to cancel such registration. He shall also have power to refuse to allow any manufacturer, or other person, to lower the guaran-

feed analysis or change the ingredients of any brand of his or their commercial feeds during the term for which registered, unless satisfactory reasons are presented for making such change or changes.

Section 7. If at any time the Commissioner of Agriculture and Industries, or his duly authorized agent, shall have reason to believe that any feed offered for sale in this State does not comply with the requirements of this Article, it shall be his duty by written order to suspend the sale of the same until he shall have satisfied himself, or shall be satisfied by an analysis, or otherwise, that such feed meets the requirements of this Article. If he shall find that the same does not comply with this Article, then he is authorized to seize or cause to be seized the feed for confiscation as provided in Article 21 of this Act.

Section 8. The Commissioner of Agriculture and Industries is hereby authorized to collect for analysis at least one sample of every brand of commercial feeds that are found to be sold in this State. Said sample shall consist of one pound in weight, and shall be taken from not less than ten bags or packages, or if there be less than ten bags or packages, then the sample shall be taken from each bag or package if it be in bag or package form, or if such feed be in bulk, then it shall be taken from ten different places of the lot. The sample or samples taken shall be kept a reasonable length of time by the Department of Agriculture and Industries and on demand a portion of such sample or samples shall be furnished to the manufacturer, or other person having interest in the feed for examination by the chemists or other experts of said manufacturer or person.

Section 9. It shall be unlawful, and shall be punished as other violations of this Article, to sell any commercial feed containing as an ingredient corn-cobs or shucks, or a mixture of ground corn-cobs and shucks, except that the whole ear (consisting of the shucks, grain and cob intact) may be ground and used as an ingredient when the percentage of the amount so used is stated on the tag or label. Crushed or ground whole ear corn when sold by itself is a commercial feed, as defined in Section One of this Article, and the sale thereof within this state shall be governed by the provisions of this Article and the rules and regulations prescribed by the State Board of Agriculture. The State Board of Agriculture is authorized, from time to time, to establish standards of classification for commercial feeds according to grade by which their quality, condition, or feeding value may be judged, to alter or modify such standards as they may find necessary, and to make such investigations as may be required for such purpose. It shall be the duty of every person manufacturing or selling any commercial feed on the markets of this state to produce any records and to answer

orally or in writing correctly to the best of his knowledge, under oath or otherwise, as may be required, all questions propounded by the Commissioner of Agriculture and Industries concerning said feeds or of the raw materials entering into the composition of such commercial feeds as may be desired for the purposes of this Section; provided, however, that no information thus obtained shall be used as a basis for any criminal prosecution against the person furnishing the same. The Commissioner shall give public notice of the establishment of such standards or any alteration or modification thereof, not less than sixty days before the date when the same shall become effective, by such means as he shall find appropriate. Such standards shall be known as the Official Feeds Standards of Alabama. The State Board of Agriculture is also authorized from time to time to prescribe and promulgate definitions of the ingredients of commercial feeds and to alter the same as they may deem necessary; provided, that if the Secretary has established and published standards and definitions, the standards established and the definitions prescribed and promulgated by the Board under this Article shall be in accordance with those promulgated at that time by the Secretary of the United States Department of Agriculture, and that the tag or label shall plainly show in addition to the statements required by Section Two of this Article, the grade of such commercial feeds in accordance with the Official Feed Standards of Alabama.

Section 10. Any person who shall violate any of the provisions of this Article, or the standards and regulations adopted and promulgated by the State Board of Agriculture, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars for the first offense, and not less than fifty dollars, nor more than two hundred dollars for each subsequent offense, and the proceeds from such fine shall be paid into the State treasury to the credit of the Department of Agriculture and Industries.

ARTICLE 16.

FERTILIZER.

Section 1. For the purpose of this Article, the term "person" shall include individuals, firms, partnerships, and associations; and the term "co-operative" shall mean a co-operative marketing association incorporated under the "Co-Operative Marketing Act" or other laws of Alabama for marketing of farm products and for other purposes.

Section 2. All manufacturers, co-operatives, or importers of commercial fertilizers, and fertilizer materials to be used in

the manufacture of the same, who may desire to sell in Alabama such fertilizers or fertilizer materials, shall first file, or register, with the Commissioner of Agriculture and Industries upon registration forms furnished by the said Commissioner, the name and address of the manufacturer or other person guaranteeing same; also the name of each brand of fertilizer, fertilizer material, or chemical which they may desire to sell in Alabama, either by themselves or their agents, together with the guaranteed analysis thereof and the sources and amounts, within 10 per cent of each material from which the phosphoric acid, nitrogen, potash and filler are derived; provided that the materials of nitrogen may be grouped into organic and inorganic sources. The term "filler" when used in this Article shall be understood to mean any foreign or "make-weight" material used in the manufacture of any mixed fertilizer.

Section 3. For the privilege of such registration the manufacturer, co-operative or importer so offering the same, shall pay to the Commissioner of Agriculture and Industries at the time of offering the same for registration, the sum of five dollars for each brand name registered and no brand name shall be registered without the payment of said sum. The registration of all brands of fertilizer or fertilizer material shall expire on September 30 with the close of the fiscal year for which they were registered. Brands that were registered during a previous fiscal year, shall be required to be re-registered before they are again offered for sale in Alabama.

Section 4. Such brand names as are registered under the provisions of this Article shall be required to be re-registered before the ingredients of the fertilizer, upon which such brand name is used, shall be changed; and in the event of such change the fee herein required shall be again paid by the person offering the said brand for registration.

Section 5. The guaranteed analysis of each and every brand of fertilizer and fertilizer material must without exception remain uniform throughout the fiscal year for which it is registered, and in no case, even in subsequent registration, shall the grade be lowered, although the proportion of available constituents may be changed so that the decrease of one constituent may be compensated by the increase of the other or others; provided, such proposed change must first receive the approval of the Commissioner of Agriculture and Industries.

Section 6. The brand name or trade mark registered by one manufacturer, co-operative, or importer, shall not be entitled to registration by another, and the manufacturer, co-operative or importer having first registered and used the said name or trade mark shall be entitled to it, even should said brand name or trade mark not be offered for current registra-

tion at the time. Nothing in this Section shall be construed so as to debar the right of any manufacturer, co-operative or importer to establish his ownership in, and prior right of, registration of any brand name or trade mark, whether said brand name or trade mark had been previously registered or not.

Section 7. It shall be unlawful for any manufacturer or other person, either by themselves or their agents, to sell in this State, any fertilizers or fertilizer materials that have not been registered with the Commissioner of Agriculture and Industries as required by this Article.

Section 8. The Commissioner of Agriculture and Industries shall have authority to prohibit the registration and sale of any fertilizer or fertilizer material with misleading or deceptive trade marks or brand names, or carrying exaggerated claims, or containing material injurious to growing plants.

Section 9. No person or his agent shall sell in this State, any wool, waste, hair, feathers, shoddy felt, or untreated leather, horn or hoofs, or any other material of similar or like questionable sources of plant food, as a fertilizer or as a fertilizer material; provided that treated or acidulated leather, horns or hoofs as a fertilizer or a fertilizer material may be sold in this State upon the approval of the Commissioner of Agriculture and Industries, who has been furnished satisfactory proof that the nitrogen is sufficiently available and valuable for the purpose for which it is sold.

Section 10. Every person shall, before offering any fertilizer or fertilizer material for sale or exchange in the State of Alabama, first procure a license from the Commissioner of Agriculture and Industries, authorizing such person to sell or exchange or deal therein. Such license shall be issued by said Commissioner on the payment of a fee of one dollar, and shall expire on the 30th day of September of each year.

Section 11. The printed report of the Commissioner, or a certified copy of the record in his office, showing the issuance of the license to sell or exchange fertilizers or fertilizer materials, to whom and when issued, is presumptive evidence of the fact that said license was issued to such person at such date. But this provision does not preclude the introduction of the license in evidence.

Section 12. It shall be the duty of each such person to notify the Commissioner of Agriculture and Industries in writing, by mail or otherwise, as may be most convenient, on day of shipment, or 24 hours thereafter, of every such shipment when exceeding five tons of fertilizer or of fertilizer materials; such notice to state the brand name, number of sacks, the weight of each sack, and to whom shipped and addressed.

Section 13. Nothing in this Article shall be construed to

restrict or avoid sales of acid phosphate or any other fertilizer material to each other by importers, co-operatives or manufacturers, who mix fertilizers or fertilizer materials for sale, or as preventing the free and unrestricted shipments of materials to manufacturers or mixers, who have registered their brands as required by the provisions of this Article. The term "fertilizer material" used in this Article shall not include common lime, land plaster, cotton seed meal, ashes, or common salt not in combination.

Section 14. Each and every manufacturer, co-operative or importer manufacturing or selling any fertilizer, fertilizer material or chemical shall pay to the Commissioner of Agriculture and Industries a stamp tax or fee of thirty (30) cents per ton for each ton of fertilizer, fertilizer material or chemical sold in this State, and shall affix to or accompany each lot shipped in bulk, each bag or parcel of such fertilizer, fertilizer material or chemical, a tag to be furnished by the Commissioner of Agriculture and Industries specifying that all charges specified in this Section have been paid; provided that any consignee who receives a shipment of fertilizer or fertilizer material in bags or in bulk without the required tax tags being affixed to the bags or accompanying the shipment in bulk, without giving prompt notice to the Commissioner of Agriculture and Industries, and the shipper that said tags were not so affixed or present in the car of the bulk shipment, shall be guilty of violating the provisions of this Article; provided, also, that any consignee who should allow said tags to be used a second time, and any person who so uses said tags a second time shall be guilty of violating the provisions of this Article. The Commissioner of Agriculture and Industries shall have printed from a suitable design, copyrighted in the United States Patent Office, the required number of tags of suitable material, which shall be numbered consecutively on the back beginning with number one, and which shall be provided with proper fastenings for attaching the same to packages, bags or barrels of fertilizer. On these tags shall be printed the words "Alabama Tag Tax," "Three Cents," "Paid," for all those required to be attached to the packages, bags or barrels of fertilizer weighing two hundred pounds and the words, "Alabama Tag Tax," "One and One-Half Cent," "Paid," for those required to be attached to packages, bags or barrels of fertilizer weighing one hundred pounds or less; provided, that the Commissioner of Agriculture and Industries may, on approval of the State Board of Agriculture, have printed from a suitable design stamps to be used in lieu of tags. Such stamps as designed shall be copyrighted in the United States Patent Office and have thereon the printings required of the tags. They shall be used on the reverse side of guaran-

teed analysis tags or affixed in such other position as will not cover any part of the printing or said guaranteed analysis tags. Tags or stamps on which the words "Three Cents" are printed shall differ in color from tags or stamps on which the words "One and One-Half Cent" are printed. No brand or analysis shall be printed upon said tax tags or tax stamps. Any sale or exchange of commercial fertilizers not tagged or stamped as provided in this section, is void.

Section 15. Every bag, barrel or package of commercial fertilizers sold or distributed within this State shall have affixed thereto a tag or label, containing a legible and plainly printed statement in the English language, clearly and truly certifying the following information in the order indicated. (1) Net weight of each bag, barrel or package in pounds; (2) Brand name or trade mark; (3) Guaranteed analysis, giving (a) the minimum percentage of available phosphoric acid, and the sources and within ten per cent of the amount of each source of available phosphoric acid, (b) the minimum percentage of nitrogen, and the source and within ten per cent of the amount of the source in the form of organic materials (such as fish scrap, blood and tankage), and the source and within ten per cent of the amount of the source in the form of inorganic material (such as nitrate of soda and sulphate of ammonia), (c) the minimum percentage of potash and the sources and within ten per cent of the amount of each source of potash; (4) The source and within ten per cent of the amount of filler; (5) Total pounds of available plant food; (6) Name of manufacturer, co-operative or importer. There shall be no objection to the printing of the above information on bags, barrels and packages by the manufacturer, co-operative or importer, however, this is not required. In bone meal, tankage or other products where the phosphoric acid is not available to laboratory methods, but becomes available on the decomposition of the products of the soil, the phosphoric acid shall be claimed as total phosphoric acid unless it is desired to claim available phosphoric acid also, in which case, the guarantee must take the form above set forth. Bone meal and tankage shall be reduced to a degree of fineness and take such form as is approved by the Commissioner of Agriculture and Industries. The term "available phosphoric acid," as used in this Article, shall be held to consist of the sum of "water soluble" and "citrate soluble" phosphoric acid; provided, that the term "available phosphoric acid" as applied to "basic slag phosphates" shall be held to denote such phosphoric acid as is found available by laboratory tests by the use of the modified Wagner Citric Acid Method, as adopted by the Association of Official Agricultural Chemists, and such method of analysis shall be employed in the official

analysis of all samples of basic slag phosphate collected under the provisions of this Article.

Section 16. No complete fertilizer, acid phosphate with potash, acid phosphate with nitrogen, or plain acid phosphate, shall be sold in this State which contains less than sixteen per cent plant food; namely, available phosphoric acid, nitrogen calculated as ammonia and potash, either singly or in combination; provided, that no complete fertilizer or acid phosphate with nitrogen, shall be sold in this State which contains less than two and six one-hundredths (2.06%) per cent of nitrogen equivalent to two and fifty-one-hundredths (2.50%) per cent of ammonia.

Section 17. In case any reference is made of grade in connection with the brand name or trade mark of a fertilizer or fertilizer material, the terms "extra high grade," "high grade" and "standard grade" shall refer to fertilizers, acid phosphate with nitrogen, acid phosphate with potash, and plain acid phosphate only when they contain not less than a total of 19, 18, and 16 per cent plant food, respectively. No other grade term shall be used.

Section 18. If any commercial fertilizer or fertilizer material sold in Alabama shall prove less in weight or in available phosphoric acid, nitrogen or potash than guaranteed on the tags or branded on the sacks, bags or packages containing the same, and if, by reason of such deficiency, the commercial value of such fertilizers shall fall more than five per cent below the guaranteed total commercial value of such fertilizers, or fertilizer materials, then the purchaser shall be entitled to a refund, and to sue for collection of same, one-half the amount of the purchase price.

Section 19. The Commissioner of Agriculture and Industries shall secure or cause to be secured samples of the brands of fertilizers or fertilizer materials offered for sale or exchange in the State of Alabama, said samples to be procured in the following manner: Samples drawn with such an instrument as shall secure a core from the entire length of the package. In lots of less than ten packages from each sack, barrel, or package, and from lots of ten packages or more, samples shall be taken from not less than ten packages, or if said fertilizers or fertilizer materials be in bulk samples shall be taken from ten different places of the lot, and after thoroughly mixing the samples so drawn, he shall by the method known as quartering, draw from such thoroughly mixed samples, two sub-samples, and with them fill two sample containers of not less than eight ounce capacity each, and shall plainly mark on each of said bottles the number of said sample, said number to correspond with the record kept by the Commissioner in his office, giving

the name of the fertilizer or fertilizer materials, the name of the manufacturer, co-operative or importer, the guaranteed analysis, place where the sample was secured, the name of the party from whom the sample was taken, and the date of the sampling. One of said samples shall be sent to the State Chemist who shall make a complete analysis of the same, setting forth the percentages, and the sources, in so far as he is able to determine, from which derived, of the following constituents, namely: water soluble phosphoric acid, citrate soluble phosphoric acid (or the sum together of these two components, constituting the available phosphoric acid, as may be required by the Commissioner of Agriculture and Industries), available phosphoric acid, acid soluble (or insoluble) phosphoric acid, nitrogen and potash, or such of these constituents as may be present, and certify under the same number as marked, said analysis (and any other information required) to said Commissioners, which analysis and other requirements shall be recorded as official and entered opposite the brand of fertilizer or fertilizer materials, which the number represents.

Section 20. Any purchaser of fertilizer or fertilizer material within ten days after the receipt thereof may take in the presence of a notary public, justice of the peace, or two disinterested witnesses, a sample of fertilizer in the following manner: In lots of ten sacks or less, a teacupful which shall be taken from the top and bottom of each alternate package; and in lots of from ten to fifty sacks, from at least ten sacks or packages; and from lots of more than fifty packages from at least ten packages, or if said fertilizer or fertilizer materials be in bulk samples shall be taken from ten different places of the lot. Said samples so taken shall be thoroughly mixed upon some surface so as to not mix the dirt or other foreign material with fertilizer; then from different parts of such thoroughly mixed piles two bottles, jars or air tight receptacles of at least eight ounce capacity each shall be filled, and such receptacles shall then be delivered to the notary public, the justice of the peace, or witnesses, and by them sealed, and the name of the purchaser and notary public, justice of the peace, or witnesses, shall be endorsed on the labels; one of each shall be pasted on each of said receptacles, and the said purchaser and the said notary public, justice of the peace, or witnesses shall certify thereon that the samples were taken in the manner prescribed by law. One of such receptacles shall then be forwarded by the notary public, justice of the peace or witnesses by mail, postage prepaid, and properly addressed to the seller, and the other of such receptacles shall be forwarded to the Commissioner of Agriculture and Industries by mail, postage prepaid, who shall cause the same to be analyzed by the State Chemist. At the

expense of the Alabama Polytechnic Institute, funds having already been provided for this purpose, and all such samples shall have precedence in order of analysis over all other analyses made by the State Chemist, unless otherwise ordered by the Commissioner of Agriculture and Industries. The result of such analysis shall then be forwarded to the Commissioner of Agriculture and Industries who shall record same in his office. One copy of such analysis, under the seal of the Department of Agriculture and Industries, shall be forwarded to the seller, and one copy thereof, under the seal of the Department, shall be forwarded to the purchaser. Such official analysis shall be admissible as evidence in any of the courts of the State on the trial of any issue involving the merits of the particular lot of fertilizer, or fertilizer material so sampled and analyzed.

Section 21. Any person who shall violate any provision of this Article shall be guilty of a misdemeanor and upon conviction, shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

ARTICLE 17.

INSECTICIDE AND FUNGICIDE.

The provisions of this Article shall govern the manufacture, sale, offering for sale, or other disposition of insecticides, fungicides or ingredients thereof, and other remedies or materials used in the control or eradication of insect pests and plant disease within the State of Alabama.

Section 1. It shall be unlawful for any person to manufacture within the State of Alabama, or to sell within the State any insecticide, paris green, lead arsenate, or a fungicide, which is adulterated or misbranded within the meaning of this Article; and any person who shall violate any of the provisions of this Article shall be guilty of a misdemeanor, and shall upon conviction thereof, be fined not less than \$50.00 nor more than \$200.00 for the first offense, and upon conviction for each subsequent offense be fined not less than \$200.00 or more than \$500.00, each and all of which fines when collected, shall be paid to the Commissioner of Agriculture and Industries and credited to the "Agricultural Fund" and be used for the purpose of carrying out and enforcing the provisions of this Article.

Section 2. It shall be the duty of the Commissioner of Agriculture and Industries, with the assistance of the State Board of Agriculture to make uniform rules and regulations for carrying out the provisions of this Article, including the collections and examination of specimens of insecticides, paris greens, lead arsenates and fungicides manufactured and sold in this State;

provided, the rules and regulations so made shall be uniform with the rules and regulations for the enforcement of the United States Insecticide Act of 1910. The Commissioner of Agriculture and Industries or his agent is hereby authorized to draw a sample from any lot, parcel or package of insecticides or fungicide, or material or mixture of materials used for insecticidal or fungicidal purposes which may be manufactured and sold in this State, and said samples shall be submitted to the official chemist of the Department (the ex-officio State Chemist), who shall make an analysis of the same at the earliest practical moment and report the results of such analysis to the Commissioner.

Section 3. If it shall appear from any examination herein provided for, that any such specimens are adulterated or misbranded within the meaning of this Article, the Commissioner of Agriculture and Industries shall cause notice thereof to be given to the person from whom such sample was obtained. Any person so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed aforesaid, and if it appears that any of the provisions of this Article have been violated by such person, then the Commissioner of Agriculture and Industries shall at once certify the facts to the proper Circuit Solicitor of this State, with a copy of the results of the analysis, or the examination of such article duly authenticated by the analyst or officer making such examination under the oath of such officer. After judgment of the Court that article or articles is or are not misbranded or adulterated, notice of the Court's judgment or finding shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

Section 4. It shall also be the duty of each Circuit Solicitor to whom the Commissioner of Agriculture and Industries shall report any violation of this Article to cause appropriate proceedings to be commenced and prosecuted in the proper courts of record of this State, without delay, for the enforcement of the penalties as in such cases herein provided.

Section 5. The term "insecticide" as used in this Article shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "paris green" as used in this Article shall include the produce sold in commerce as paris green and chemically known as the aceto arsenite of copper. The term "lead arsenate" as used in this Article shall include the product or products sold in commerce as lead Arsenate and consisting chemically of products derived from arsenic acid (H. 3 A. S. 04) by replacing one

or more hydrogen atoms by lead. That the term "fungicide" as used in this Article shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

Section 6. For the purpose of this Article an article shall be deemed to be adulterated—In the case of paris green: first, if it does not contain at least fifty per centum of arsenous oxide; second, if it contains arsenic in water soluble forms, equivalent to more than three and one-half per centum of arsenous oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. In the case of lead arsenate: first, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide (A S 205); third, if it contains arsenic in water soluble forms, equivalent to more than seventy-five one-hundredths per centum of arsenic oxide (A S 205); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; provided, however, that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label. In the case of insecticides or fungicides, other than paris greens, and lead arsenate: first, if its strength and purity fall below the professed standard of quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances, which, although preventing, destroying, repelling or mitigating, insects, shall be injurious to such vegetation when used.

Section 7. The terms misbranded as used herein shall apply to all insecticides, paris greens, lead arsenates or fungicides or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, paris greens, lead arsenates or fungicides which are falsely branded as to the states, territory or county in which they are manufactured or produced. For the purpose of this Article an article shall be deemed to be misbranded—In the case of insecticides, paris greens, lead arsenates, and fungicides: first, if it be an imitation or offered for sale under the name of another article; second, if it be so labelled or branded so as to deceive or mis-

lead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents as stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package. In the case of insecticides (other than paris greens and lead arsenates) and fungicides; first, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of any inert substance or substances which do not prevent, destroy, repel or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; provided, however, that in lieu of naming and stating the percentage amounts of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except insofar as to state the total percentage of inert ingredients present.

Section 8. No dealer shall be prosecuted under the provisions of this Article when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Article. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this Article.

Section 9. Any manufacturer of an insecticide or fungicide, shall before the same is offered for sale in Alabama, file or cause to be filed with the Commissioner of Agriculture and Industries for each and every brand of insecticide and fungicide, a certified statement of the brand name and of the chemical analysis, showing the active or inert constituents as required by Section 7 of this Article (provided that whenever any inert constituent is claimed to exert especial attractions it shall be considered as active and its nature and percentage shall be filed with the said Commissioner and shall be stated on the label of

the product), in the form of an application for registration of the brand. Said application shall be accompanied by a copy of the label proposed for use in connection with the sale of said brand, and when said Commissioner of Agriculture and Industries shall so request, with a sealed package containing not less than one pound of the insecticide or fungicide. The manufacturer filing or causing to be filed such certificate shall accompany the application with and shall pay annually to the Commissioner of Agriculture and Industries, a fee of ten dollars on each and every brand prepared and offered for inter-state shipment, and a fee of five dollars per brand for such brands as are not offered for inter-state shipment (except that said fee shall not be assessed for registration of an insecticide or fungicide consisting of organic matter and not containing any added inorganic matter or mineral chemical, provided that a complete chemical analysis, showing the active or inert constituents and the proportions of same, of said insecticide or fungicide is given in, and as part of the certificate required under this Section). Whenever any person shall have filed said certificate and paid said registration fee, no other person shall be required to file such statement or pay such fee. If after a brand of insecticide or fungicide has been registered, it is later discovered that the brand was registered in violation of the provisions of this Article, the Commissioner of Agriculture and Industries shall have authority to cancel the registration.

Section 10. Any person who shall violate any provision of this article, or who shall sell or distribute brands of insecticides or fungicides which have not been duly registered, shall be guilty of a misdemeanor, and upon conviction thereof be fined not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars for each offense.

ARTICLE 18.

KEROSENE AND OTHER ILLUMINATING OILS.

Section 1. All kerosene or other illuminating oils sold in this State for illuminating purposes shall be subject to examination and test to determine the safety and value for illuminating purposes. All manufacturers, wholesalers and jobbers, before selling in this State any kerosene or other oil for illuminating purposes, shall file with the Commissioner of Agriculture and Industries, a statement that they desire to do business in the State, and furnish the name or brand of the oil or oils which it is desired to sell with the fire test which they are willing to guarantee to be a true test of each of said illuminating oil named in such statement and with the name and address of the manufacturer, and that the oil or oils will comply with the requirements of this Article.

Section 2. The State Board of Agriculture shall make necessary rules and regulations for the sampling of kerosene or other illuminating oil and shall adopt standards as to safety, purity or freedom from objectionable substances when not in conflict with this Article and which they may deem necessary to provide the people of the State with satisfactory illuminating oil. The Commissioner of Agriculture and Industries or his agents shall from time to time secure samples of said kerosene or other illuminating oils under the said rules and regulations and shall have the same tested or analyzed by the official chemist of the Department.

Section 3. Whenever any sample of oil is submitted to the official chemist of the department, whether same be submitted on the application of any person or procured directly from the manufacturer, consumer, or dealer by the Commissioner of Agriculture and Industries or his agents, it shall be the duty of the said chemist to test the same for fire test, and also chemical composition and quality, and make a certificate of such test, a copy of which certificate shall be furnished by the said commissioner to the person from whom such oil was obtained.

Section 4. For the purpose of carrying out the provisions of this Article, the Commissioner of Agriculture and Industries shall collect the sum of one-half cent per gallon on all kerosene or illuminating oils sold in the State of Alabama, the payment of said charge being made by the person first selling such kerosene or illuminating oils in the State of Alabama. Said inspection fee shall be paid to the Commissioner of Agriculture and Industries on or before the 10th day of each month on all of said products so sold during the preceding month and each remittance shall be accompanied by a certificate stating that the amount remitted is correct and that the kerosene or illuminating oil thus sold was of legal standard. Said charge herein provided to be paid shall be paid but once on the same lot of kerosene or illuminating oil. All persons receiving original shipments of kerosene or illuminating oils shall forthwith advise the Commissioner of Agriculture and Industries of the date of receipt of such shipments and the quantity of same.

Section 5. Whenever a complaint is made to the Department of Agriculture and Industries in regard to the illuminating qualities of any oil sold in the State, the Commissioner of said Department shall cause a sample of said oil or oils complained of to be procured and have the same thoroughly analyzed and tested as to safety and illuminating qualities. If such analysis or other tests shall show that the oil is either unsafe or of inferior illuminating quality, its sale shall be forbidden and report of the result or results be sent to the party making the complaint and to the manufacturer of said oil.

Section 6. All moneys received under the provisions of this Article shall accrue to the "Agricultural Fund" and shall be paid into the State Treasury to the credit of said fund. Provided that, in consideration of the making of all tests and analyses of all samples of illuminating oils in the chemical laboratory of the Alabama Polytechnic Institute, there shall be paid from said fund to the Treasurer of said Institute, quarterly, upon the requisition of the President, and upon the order of the Commissioner of Agriculture and Industries, one-fourth of the proceeds accruing under the provisions of this Article.

Section 7. Any person who shall violate any provisions of this Article or who shall knowingly hinder or attempt to prevent its enforcement, shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars for each offense nor more than one thousand dollars.

ARTICLE 19.

WHITE LEAD OR PAINT, LINSEED OIL AND TURPENTINE.

Section 1. Every person who shall sell, within this State, any white lead or paint, shall accurately label the same as hereinafter required.

Section 2. The term "paint" as used in this Article, shall include white lead in oil or any compound intended for the same use, paste or semi-paste, and liquid or mixed paint of any kind ready for use, or any compound intended for the same use.

Section 3. Labels required by this Article shall clearly and distinctly state the name and address of the manufacturer of the Article, or the dealer therein, or of the party for whom the same is manufactured, and for the purpose of this Article paint shall be deemed to be improperly labeled or misbranded: (1) If it be an imitation of, and offered for sale under the name of another article; or (2) if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package; or (3) if any label of the package containing it shall bear any statement, design or device regarding the ingredients or composition of the paint which statement, design or device shall be false or misleading in any respect. The label shall also state, in case of liquid paints, and other compounds, on packages holding one quart or more, the net measure of contents of each can, package or container. In case of white lead and other paints and compounds, the label shall show on packages weighing four pounds or more the net weight of each can, package or container.

Section 4. No person shall sell or take orders for sale and delivery within the State, any "raw linseed oil," unless the same

is wholly obtained from the seeds of the flax plant (*Linum Usitatissimum*), and unless the same fulfills all the requirements recognized by United States Pharmacopeia.

Section 5. The term "United States Pharmacopeia" as used in this Article, shall refer to the latest revision of the United States Pharmacopeia, official at the time of the sale in question.

Section 6. No person shall sell or take orders for sale and delivery within this State any "boiled linseed oil" or so-called "boiled oil" unless the same has been prepared from pure raw linseed oil and lead and manganese driers: And for the purpose of this Article, it shall also be deemed a violation hereof if boiled linseed oil does not conform to the following requirements: First. Its specific gravity at 25 degrees Centigrade as compared with water at 25 degrees Centigrade must not be less than 0.933 and not greater than 0.945. Second. Its saponification number must be not less than 186 nor greater than 195. Third. Its iodine absorption number (Hanus method) shall not be less than 168. Fourth. Its acid number must not be greater than 8. Fifth. It must yield on analysis not more than one and one-half (1.5) per cent of unsaponifiable matter. Sixth. It must yield on analysis not less than two-tenths (0.2) of one per cent, nor more than seven-tenths (0.7) of one per cent of ash. Seventh. It must yield on analysis not less than one-tenth (0.1) of one per cent of lead. Eighth. It must yield on analysis not less than three-hundredths (0.03) of one per cent of manganese. Ninth. It must yield on analysis not more than three-tenths (0.3) of one per cent of calcium.

Section 7. No person shall sell any flax seed or linseed oil unless it is exposed for sale or sold under its true name, and each original unbroken tank car, tank, barrel, keg or vessel containing such oil has distinctly and durably marked thereon the true name of such oil, and the name and place of business of the manufacturer thereof, in ordinary bold-faced capital letters not less than five lines pica in size, the words "Pure Linseed Oil—Raw," "Pure Linseed Oil—Boiled," as the case may be.

Section 8. No person shall sell or take orders for sale and delivery within this State, any compound or mixture of linseed oil, (raw or boiled) with other products, except as provided in Section 6 of this Article, or any product which is intended to be used as a substitute for linseed oil (raw or boiled), unless it is exposed for sale and sold under the name, "substitute for linseed oil," and, if the words "linseed" or "flaxseed" are used other than in the name, the true name of each and every ingredient of said product shall also appear, giving preference of order to the ingredients present in the greater proportion, but all letters used in naming the ingredients shall be of the same size and

color, using the style of type as hereinafter specified. Each tank car, tank, barrel, keg, can, jug or vessel (both wholesale and retail), also all storage receptacles containing said product, shall be distinctly and durably marked in a conspicuous place using the English language and kind of type as hereinafter specified, giving the name under which it is sold, the names of ingredients when required, and the name and place of business of the manufacturer thereof in continuous list, with no intervening matter.

Section 9. Any failure to label said article as above specified or any erasures, defacements or carelessness in printing or stamping labels or any statements regarding the composition of said article or any statements of any kind which are misleading, deceptive or which are not true are hereby declared a violation of this Article.

Section 10. No person shall sell or take orders for sale and delivery within this State any "oil of turpentine" or so called "spirits of turpentine," "turpentine" or "turps," unless the same is wholly volatile oil derived from the oleo-resinous exudation from, or the resinous wood of various species of coniferous trees. And for the purpose of this Article, it shall also be deemed a violation hereof if oil or turpentine does not conform to the standard specifications for turpentine as appearing in the latest biennial issued of the "A. S. T. M. Standards" issued by the American Society for Testing Materials.

Section 11. No person shall sell any oil or turpentine unless it is exposed for sale or sold under its true name, and each original unbroken tank car, tank, barrel, keg or vessel containing such oil has distinctly and durably marked thereon the true name of such oil and the name and place of business of the manufacturer thereof, in ordinary bold-faced capital letters not less than five lines pica in size.

Section 12. No person shall sell, or take orders for sale and delivery within this State, any compound or mixture of oil of turpentine with other products, or any product which is intended to be used as a substitute for oil of turpentine, unless it is exposed for sale and sold under the name "substitute for oil of turpentine," and if the word "turpentine," is used other than in the name, the true name of each and every ingredient of said product shall also appear, giving preference of order to the ingredients present in the greater proportion, but all letters used in naming the ingredients shall be of the same size and color, using the style of type as hereinafter specified. Each tank car, tank, barrel, keg, can, jug or vessel (both wholesale and retail), also all storage receptacles containing said product, shall be distinctly and durably marked in a conspicuous place, using the English language and kind of type as hereinafter specified, giv-

ing the name under which it is sold, the names of ingredients when required and the name and place of business of the manufacturer or jobber thereof, in continuous list, with no intervening matter of any kind, using ordinary bold-faced capital letters not less than five lines pica in size and there shall be such a contrast between the color of the type and the background of the label as to render the same easily and plainly legible.

Section 13. Any failure to label said article as above specified or any erasures, defacements or carelessness in printing or stamping labels or any statement regarding the composition of said article or any statements of any kind which are misleading or deceptive or which are not true are hereby declared a violation of this Article.

Section 14. It is hereby made the duty of the Commissioner of Agriculture and Industries, with the advice of the State Board of Agriculture to enforce the provisions of this Article. The said Commissioner of Agriculture and Industries and the State Chemist shall perform the same duties and are hereby vested with the same powers and authority as in Article 21.

Section 15. Any person violating the provisions of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25.00 nor more than \$100.00, for the first offense, and upon conviction for the second or any subsequent offense shall be fined not less than \$50.00 nor more than \$200.00 and may also be imprisoned in the county jail not exceeding three months.

ARTICLE 20.

CORN, OATS, RYE, BARLEY AND COTTON SEED HULLS.

Section 1. Any person who sells any corn, oats, rye, wheat, barley or cotton seed hulls, in sacks or bags, except in quantities hereinafter respectively prescribed, shall be guilty of a misdemeanor.

Section 2. Oats shall be sold in sacks containing two and one-half and five bushels, weighing net respectively eighty and one hundred and sixty pounds; rye and corn in two and two and one-half bushel sacks, weighing net one hundred and twelve pounds and one hundred and forty pounds respectively; wheat in two bushel sacks, weighing net, respectively ninety-six and one hundred and forty-four pounds; and cotton seed hulls in one hundred pound sacks or bags; provided, that such sacks, bags or packages shall have plainly marked or stenciled thereon in large type and figures, the net quantities herein required and the name and address of the manufacturer or distributor.

Section 3. The foregoing provisions shall apply only when said articles are sold in sacks, bags or other packages, and shall

not prevent the sale of any of said articles in bulk. These provisions shall not apply to sales of grain or cereals by the producer or grower of such grains or cereals.

Section 4. Any person who shall sell what is known to the trade as "mill oats" or like product either by itself or in combination with a commercial feed (as defined in Article 15 of this Act) or who shall sell corn, oats, rye, wheat or barley which has been adulterated, by means of the addition thereto of screenings, chaff, weed seed, wild oats, "mill oats," or water, shall be guilty of a misdemeanor, and the corn, oats, rye, wheat or barley so adulterated, shall be subject to seizure from confiscation by writ of attachment for condemnation, as provided for in Article 21 of this Act.

Section 5. It shall be unlawful to sell in this State barley, oats or other grains bleached with sulphur fumes whereby damage or inferiority has been concealed or water has been added, and such barley, oats or other grains shall be subject to seizure for confiscation by writ of attachment for condemnation as provided for in Article 21 of this Act; provided that barley, oats or other grains bleached by sulphur fumes may be sold in Alabama under such rules and regulations as may be adopted by the State Board of Agriculture, in cases where the bleaching does not conceal damage or inferiority, or water has not been added, when the product is plainly and distinctly labeled, "bleached with sulphur fumes."

Section 6. Any person violating any provision of this Article shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars for each offense.

Section 7. It shall be the duty of the Commissioner of Agriculture and Industries, and his agents, to enforce the provisions of this Article.

ARTICLE 21.

SUSPENSION FROM SALE, SEIZURE BY WRIT OF ATTACHMENT, AND AUTHORITY TO COLLECT AND TO ANALYZE SAMPLES.

Section 1. That if at any time the Commissioner of Agriculture and Industries, or his duly authorized agent, shall have reason to believe that any products or articles mentioned in Section 2 of this Article, which are offered or exposed for sale in this State, do not comply with the requirements of this Act as to ingredients, substances, analysis, weights or measure of the same, it shall be his duty by written order to suspend the sale of the same until he shall have satisfied himself, or shall be satisfied by an analysis, or otherwise, that such article or prod-

uct is made up or compounded as required by this Act. If he shall find that the same does not comply with any article or provision of this Act, then he is authorized to proceed with regard to the same as provided in Section 2 of this Article.

Section 2. Any fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seeds, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products, imitation butter and cheese, or any article of food or drug which is adulterated, misbranded, or under-standard, grade, weight or measure claimed within the meaning of any article or provision of this Act, and which is manufactured for sale, held in possession with intent to sell, offered or exposed for sale, or sold or delivered within this State, shall be liable to be proceeded against in the Circuit Court of the county where the same is found, and seized for confiscation by writ of attachment for condemnation. Such writ shall issue upon the sworn complaint of the Commissioner of Agriculture and Industries or his duly authorized agent, taken by an officer authorized to administer an oath to the effect that such article or product is adulterated or misbranded or is under standard, grade, weight or measure claimed, as the case may be, within the meaning of this Act. The said sworn complaint by said Commissioner of Agriculture and Industries or his duly authorized agent, may be amended at any stage of the proceedings. Said writ shall be returnable in five days to the court issuing the writ; such court shall hear and decide whether the allegations of the complaint are true and whether said article or product shall be condemned and confiscated. Such hearing shall not be had until five days' notice of the date therefor shall have been served on the owner, his agent, or any other party having an interest in the same, except in cases defined in sub-head (a). Service of a copy of the writ of attachment showing the returns of the attaching officer shall be sufficient notice for the purposes of this Section. Such writ may be executed by the Commissioner of Agriculture and Industries, his duly authorized agent, or by any sheriff or constable in the State. Upon the seizure of the article or product described in the affidavit, it shall be the duty of the officer or person executing the writ to return same to the Circuit Court, with his return thereon, and within five days after its return, the court shall make up an issue between the State as plaintiff and the property seized as defendant. (a) In the event that the owner or his agent cannot be found in this State, then said service may be perfected by posting a copy of the writ in a conspicuous place upon the premises where the goods were found and seized, and by mailing a copy thereof by registered mail to the owner, or

his agent, to his last known address, and this shall be deemed to be sufficient service of the notice required by this Section. If upon the return day of such writ of attachment, the owner of the article or product, his agent or other party having an interest in same thus notified fails to appear and show cause why said goods should not be condemned, judgment of condemnation and confiscation shall, upon such default, be rendered by the court on the basis of said complaint. If such owner or agent or other party having an interest in such article or product shall on or before the return day of the writ of attachment, or upon such other day as the court upon application of such party may determine, shall file an answer upon oath denying the allegations of adulteration, misbranding, or under standard, grade, weight or measure, as the case may be, in said complaint, the issue thus raised may be determined by the court after hearing all the evidence offered by or on behalf of all the parties to the proceedings. Any such party may demand a jury trial of any issue of fact to be determined in the proceedings instituted hereunder, and in case a jury trial is demanded, the judgment rendered by the court shall be in accordance with the facts as found by such jury; provided, however, that the verdict of the jury may be set aside by the court where manifestly contrary to the evidence or law. If a judgment of condemnation and confiscation is rendered against such article or product as being adulterated, misbranded, or under standard, grade, weight or measure, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of this State, but such goods shall not be sold contrary to the provisions of this Act; provided, however, that upon the payment of the costs of such attachment proceedings and the execution and delivery of a good and sufficient bond to the effect that such article shall not be sold or otherwise disposed of contrary to the provisions of this Act, the court may by order direct that such article or product shall be delivered to the owner thereof.

Section 3. If it shall appear from examination or analyses of fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agriculture seed, eggs, vinegar, sausage, milk, cream, ice-cream or other dairy products, imitation butter and cheese, or any articles of food or drugs that any of the provisions of this Act have been violated, the Commissioner of Agriculture and Industries shall certify or cause to be certified the facts to the county or state solicitor,

with a copy of the results of the analysis or examination, and said county or state solicitor upon receipt of this information, shall cause appropriate proceedings to be instituted in the proper court, for the imposition of fines and penalties herein provided.

Section 4. The Professor of Agricultural Chemistry of the Alabama Polytechnic Institute shall be the official chemist of the Department, and ex-officio State chemist. On the application of the Commissioner of Agriculture and Industries, he shall analyze or cause to be analyzed and certify the analyses of all samples of soils, fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seeds, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products, imitation butter and cheese, or any article of food or drugs which are furnished him in the manner prescribed by law. The analysis reports of such samples shall be made to the Commissioner of Agriculture and Industries with the least possible delay. He shall also, at the request of the Commissioner make or cause to be made investigations and reports on such matters as may be deemed of interest to the Department. He may when necessary, depute the ranking member of the staff of the chemical laboratory of which he has charge to report and sign analyses and to make reports upon such matters as the chemist may refer to him. He may depute the ranking professor of pharmacy to analyze and report on samples of drugs, and the ranking professor of Botany to examine and make reports upon the quality and purity of agricultural seed. The said ex-officio State Chemist or his assistants shall be entitled to necessary traveling expenses while on duty assigned by the Commissioner, payable out of the "Agricultural Fund" or of any funds to the credit of the Department of Agriculture and Industries; Provided that the State Chemical Laboratory shall be organized and manned with employees (with the exception of the State Chemist) who shall devote their entire time to the work of the State Chemical Laboratory, and that no part of the State's funds available for analytical work and reports by the State Chemical Laboratory shall be expended for the salary, in whole or in part of any member of the teaching staff of the Alabama Polytechnic Institute, with the exception of the State Chemist (whose salary shall be prorated between the Alabama Polytechnic Institute and the State Chemical Laboratory, according to a fair division of the time devoted to the State Chemical Laboratory, following an agreement with the Commissioner of Agriculture and Industries, approved by the Governor) and with the exception of such members of the teaching staff as may be employed to de-

vote their entire time to the work during a non-teaching term, nor for any purpose or purposes other than those authorized in this Act, the object of this provision being to secure the service of full time employees, and to preclude the concurrent employment and payment of chemists for analytical work and teaching work, thereby guaranteeing quick service in making the required analyses. Provided, further, that all charges involved in making tests and analyses and in reporting on samples tested or analyzed shall be at actual cost and certified by the State Chemist to the Commissioner of Agriculture and Industries in itemized form and after being approved by the Commissioner and by the Governor shall be paid out of the appropriation for analytical work provided in this Act, with the restriction that no payment be made on account of rent nor on account of equipment and supplies, excepting such equipment and supplies as are required for the specific use of the State Chemical Laboratory and devoted exclusively to this use, and with the further restriction that no charge whatever on any account (excepting for necessary traveling expenses) shall be made for analyses of and making reports on fertilizer, fertilizer materials, kerosene and other illuminating oils, funds having been otherwise provided for those purposes.

Section 5. The State Chemist shall test or analyze and promptly report on all samples of soils, fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seeds, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products, imitation butter and cheese, bleached flour, or any article of food, drugs, or other products, submitted by the Commissioner of Agriculture and Industries for analysis, and to perform other services for the Department of Agriculture and Industries, as required by law.

Section 6. A certificate of analysis or examination by the State Chemist or the ranking assistant to the State Chemist in the work of the chemical laboratory, when properly verified by affidavit, shall be admissible and shall be prima facie evidence of the facts therein stated in any of the courts of this State, on the trial of any issue involving the merits, and the quality of the bulk from which the sample was taken shall prima facie, be presumed to be the same, as the quality of the sample as shown by the analysis or examination.

Section 7. The Commissioner of Agriculture and Industries is authorized in person or by deputy or by his agents to have free access to all premises, places of business, milk, buildings, carriages, cars, vessels, parcels of whatsoever kind used in the manufacture, transportation, importation, sale or storage of any

fertilizer, fertilizer material, ground limestone, paint, white lead, linseed oil, turpentine, kerosene or other illuminating oils, insecticides and fungicides, commercial feeds, agricultural seed, eggs, vinegar, sausage, milk, cream, ice cream or other dairy products and containers thereof, imitation butter and cheese, or any article of food or drugs, and shall have the power and authority to examine or inspect said article or product or to open any parcel, package, bag, vessel or other receptacle, containing or supposed to contain, any of said products or articles, and upon paying or offering to pay full value of said sample, to take therefrom in the manner prescribed in this Act, samples for analysis. The Commissioner of Agriculture and Industries is also authorized to publish, from time to time, in reports or bulletins, results or analyses of samples, together with copies of the laws and such additional information as may be of interest to the public.

ARTICLE 22.

WEIGHTS AND MEASURES.

Section 1. There is but one standard of measure of length and surface, one of weight, and one of capacity, throughout this State, which must be in conformity with the standard of measure of length, surface, weight, and capacity established by Congress. Any firm, association, corporation or person, selling, offering or exposing for sale any commodity by weight or measure which does not correspond with such standard or measure is guilty of a misdemeanor and on conviction shall be fined not less than one nor more than fifty dollars.

Section 2. All contracts, made within this State for any work to be done, or for anything to be sold and delivered, must be construed to have been made according to the standard of weight and measure thus ascertained, unless the parties stipulate to the contrary.

Section 3. If the weights and measures of any county, consisting of one weight of fifty pounds, one of twenty-five pounds, one of fourteen pounds, one of seven pounds, two of four pounds, two of two pounds, and two of one pound, avoirdupois; one measure of one yard, and one of one foot, cloth measure; one measure of half a bushel, one of one peck, and one of one-half peck, dry measure; one measure of one gallon, one of a half gallon, one of a quart, one of one pint, one of one-half pint, and one of one gill, wine measure, in conformity with such standard, are destroyed, without the fault of any official who by law had charge of the same, the Commissioner of Agriculture and Industries shall, upon the requisition of the probate judge

and upon satisfactory evidence that the weights and measures will be kept in a safe and suitable place, furnish weights and measures to such county.

Section 4. The legal weights per bushel of the commodities herein named shall be as follows: Alfalfa seed, shall be 60 pounds per bu. Apples, green, shall be 50 pounds per bu. Apples, green, shall be $2\frac{1}{2}$ bushels per bbl. Apples, dried, shall be 24 pounds per bu. Apple seed, shall be 40 pounds per bu. Bluegrass seed shall be 14 pounds per bu. Beans, dried, shall be 60 pounds per bu. Beans, green, in pod, shall be 30 pounds per bu. Beans, green, in pod, shall be $2\frac{1}{2}$ bushels per bbl. Beans, Castor, shall be 46 pounds per bu. Beans, velvet, shelled, shall be 60 pounds per bu. Beets shall be 50 pounds per bu. Blackberries, shall be 48 pounds per bu. Blackberries, dried, shall be 28 pounds per bu. Black Medic (cleaned) shall be 56 pounds per bu. Bran, shall be 20 pounds per bu. Broom-corn, shall be 42 pounds per bu. Bur clover, shall be 10 pounds per bu. Buckwheat, shall be 50 pounds per bu. Barley, shall be 48 pounds per bu. Carrots, shall be 50 pounds per bu. Cabbage, shall be 50 pounds per bu. Carpet Grass seed, shall be 25 pounds per bu. Cherries, with stems, shall be 56 pounds per bu. Cherries, without stems, shall be 64 pounds per bu. Corn, shelled, shall be 56 pounds per bu. Corn, in ear, shucked, shall be 70 pounds per bu. Corn, in ear, with shucks, shall be 75 pounds per bu. Corn, green with shucks, shall be 100 pounds per bu. Corn, green with shucks, shall be $2\frac{1}{2}$ bushels per bbl. Cornmeal, unbolted, shall be 48 pounds per bu. Cornmeal, bolted, shall be 48 pounds per bu. Cucumbers, shall be 48 pounds per bu. Chestnuts, shall be 50 pounds per bu. Cement, shall be 80 pounds per bu. Coke, shall be 40 pounds per bu. Charcoal, shall be 22 pounds per bu. Coal, stone, shall be 80 pounds per bu. Canary Seed, shall be 60 pounds per bu. Clover seed, red and white, shall be 60 pounds per bu. Cottonseed, shall be 32 pounds per bu. Crimson clover, shall be 60 pounds per bu. Eggs, Extras, shall weigh over 26 ounces per doz. net. Eggs, No. 1, shall weigh 24 to 26 ounces per doz. net. Eggs, No. 2, shall weigh 20 to 24 ounces per doz. net. Eggs, No. 3, shall weigh less than 20 ounces per doz. net. Flaxseed, shall be (Linseed) 56 pounds per bu. Flour, shall be (in wood) 196 pounds per bbl. Gooseberries, shall be 48 pounds per bu. Grapes, with stems, shall be 48 pounds per bu. Grapes, without stems, shall be 60 pounds per bu. Horse-radish, shall be 50 pounds per bu. Hickory nuts, shall be 50 pounds per bu. Hair, plastering, shall be 8 pounds per bu. Hominy, shall be 62 pounds per bu. Hungarian grass seed, shall be 48 pounds per bu. Herds Grass, shall be 45 pounds per bu. Hemp seed, shall be 44 pounds per bu. Kaffir corn, shall be 56 pounds

per bu. Japan clover, (Lespedeza) shall be 25 pounds per bu. Johnson grass seed, shall be 25 pounds per bu. Land plaster, shall be 100 pounds per bu. Lime, unslacked, shall be 80 pounds per bu. Lime, slacked, shall be 40 pounds per bu. Liquids, shall be 42 gallons per bbl. Millet seed (German, Missouri, Tenn.), shall be 50 pounds per bu. Melilotus seed, (cleaned) shall be 60 pounds per bu. Orchard grass seed, shall be 14 pounds per bu. Osage orange seed, shall be 33 pounds per bu. Oats, seed, shall be 32 pounds per bu. Onions, matured, shall be 57 pounds per bu. Onions, top buttons, shall be 28 pounds per bu. Onion, button sets, shall be 32 pounds per bu. Parsnips, shall be 45 pounds per bu. Paspalum, shall be, Peas, dry, shall be 60 pounds per bu. Peas, green, in hull, shall be 30 pounds per bu. Peaches, matured, shall be 50 pounds per bu. Peaches, dried, unpeeled, shall be 33 pounds per bu. Peaches, dried, peeled, shall be 38 pounds per bu. Pears, matured, shall be 50 pounds per bu. Pears, dried, shall be 26 pounds per bu. Plums, shall be 64 pounds per bu. Pieplant, shall be 50 pounds per bu. Potatoes, Irish, shall be 60 pounds per bu. Potatoes, sweet, shall be 55 pounds per bu. Peanuts, shall be 22 pounds per bu. Popcorn, shelled, shall be 56 pounds per bu. Popcorn, unshelled, shall be 70 pounds per bu. Quinces, matured, shall be 48 pounds per bu. Raspberries, shall be 48 pounds per bu. Rape seed, shall be 50 pounds per bu. Rye seed, shall be 56 pounds per bu. Red top, shall be 14 pounds per bu. Rye grass, Italian, shall be 20 pounds per bu. Rice, shall be 45 pounds per bu. Sage, shall be 4 pounds per bu. Salt, shall be 50 pounds per bu. Sorghum, mol., shall be 12 pounds per gal. Sorghum seed shall be 50 pounds per bu. Strawberries, shall be 48 pounds per bu. Salad, turnips, kale, shall be 30 pounds per bu. Salad, mustard, spinach, shall be 30 pounds per bu. Speltz, shall be 40 pounds per bu. Turnips, shall be 55 pounds per bu. Turnips, Rutabagas, shall be 50 pounds per bu. Tomatoes, shall be 56 pounds per bu. Timothy seed, shall be 45 pounds per bu. Velvet grass seed, shall be 7 pounds per bu. Walnuts, shall be 50 pounds per bu. Wheat, shall be 60 pounds per bu.

Section 5. The Commissioner of Agriculture and Industries by virtue of his office shall be State Superintendent of Weights and Measures during his term of office acting with the advice and counsel of the State Board of Agriculture. He shall designate an assistant as Deputy Superintendent of Weights and Measures and any other competent inspector or agent of the Commissioner of Agriculture and Industries may be designated by the Commissioner as a State Inspector and Sealer of Weights and Measures.

Section 6. It shall be the duty of the Secretary of State to deliver to the Commissioner of Agriculture and Industries, as

Superintendent of Weights and Measures, the standard weights and measures which have come into his possession under the provisions of Chapter 47 of the Code of 1907. The Commissioner of Agriculture and Industries shall duly receipt the Secretary of State for the standard weights and measures received, and shall take charge of same for use as provided in this Article. He shall cause them to be kept in a safe and suitable place in his office, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safekeeping. He shall maintain the State standard weights and measures in good order and shall before they are put into use, and at least once in every ten years thereafter submit them to the National Bureau of Standards for their certification. He shall also obtain from the National Bureau of Standards new and additional weights and measures as are adopted by the National Bureau of Standards under a resolution of Congress, approved June 14, 1836. The new weights and measures received shall be used in addition thereto or in renewal thereof of the standard weights and measures received from the Secretary of State. These standard weights and measures when certified by the National Bureau of Standards shall be the State Standards. Provided that similar standard weights and measures, now in possession of the Probate Judges of the several counties in Alabama, and any new weights and measures when certified by the National Bureau of Standards are kept in a safe and suitable place, to be approved by the Superintendent of Weights and Measures, in the office of the Probate Judge, may be used in like manner and for the same purposes as are the standard weights and measures kept in the office of the Superintendent of Weights and Measures. He shall, at least once in five years, try and prove, by the State standards, all weights, measures and other apparatus which may belong to any county or city, and shall seal such, when found to be accurate, stamping on them the letter "C" and the last two figures of the year with seals which he shall have and keep for that purpose. He shall have and keep a general supervision of the weights, measures and weighing and measuring devices, offered for sale, sold, or in use, in the State. He shall, upon the written request of any citizen, firm, corporation, or educational institution in the State, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in the State. He, or his deputy or inspectors, by his direction, shall at least once annually test all scales, weights and measures used in checking the receipts and disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the Legislature, and he shall report in writing his findings to the supervisory

board and to the executive officer of the institution concerned; and, at the request of such board or executive officer, the Superintendent of Weights and Measures shall appoint in writing one or more employees then in the actual service of each institution, who shall act as special deputy or deputies, without extra compensation, for the purpose of checking the receipts and disbursements of supplies. He shall keep a complete record of standards, balances and other apparatus belonging to the State and take a receipt for same from his successor in office. He shall include a report of the work done by his office, in his general report to the State Board of Agriculture. The State Superintendent or his deputy, or inspectors, at his direction, shall inspect all standards and apparatus used by the counties and cities at least once in five years and shall keep a record of the same. He, or his deputy, or inspectors, at his direction shall at least once in five years visit the various cities and counties of the State in order to inspect the work of the local sealers, and in the performance of such duties, he may inspect the weights, measures, balances, or any other weighing appliance of any citizen, firm, or corporation, and shall have the same power as the local sealer of weights and measures. The Superintendent shall issue from time to time regulations for the guidance of city and county sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Section 6. The Board of Revenue, or Court of County Commissioners, of each county and the mayor of each city, who may, in their discretion, appoint a sealer under this Article, shall keep, at all times, at the expense of the county or city, a complete set of weights and measures and other apparatus of such material and construction as said Superintendent of Weights and Measures may direct. All such weights, measures and other apparatus having been tried and accurately proven, shall be sealed and certified to by the State Superintendent as hereinbefore provided; and shall be then preserved by the county or city sealer as public standards for such county or city.

Section 7. The Court of County Commissioners, or Board of Revenue, of each county may, in its discretion, appoint a county sealer of weights and measures in each county for a term of two years. He shall be paid a salary to be determined by said Board, and no fee shall be charged by him, or by the county, for the inspection, testing, or sealing of weights, measures or weighing or measuring devices; and, where not otherwise provided by law, the county sealer shall have the power within his county, and the State Superintendent, his deputies and inspectors, within the State, to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments

or mechanical devices for measuring, and also all tools, appliances and accessories connected with any and all such instruments or measures kept, offered, or exposed for sale, sold or used or employed within the county by any proprietor, agent, lessee, or employee, in proving the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, hire, or award; and they shall have power to and shall from time to time weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they be offered for sale or sold in a manner in accordance with law. The county sealer shall at least once each year, and as much oftener as he may deem necessary, see that the weights, measures, and all apparatus used in the county are correct. The county and state inspectors or agents may, for the purpose above mentioned, and in the general performance of their official duties, enter or go in upon and without formal warrant, any stand, place, building, or premises, or stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever and require him, if necessary to proceed to some place which the sealer may specify, for the purpose of making the proper tests. Whenever the county sealer or state inspectors find a violation of the statute relating to weights and measures, they shall cause the violator to be prosecuted. Whenever any sealer or inspector compares the weights, measures, or weighing and measuring instruments and finds that they correspond, or causes them to correspond, with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments with appropriate devices to be approved by the State Superintendent of Weights and Measures. The county sealer shall keep a complete record of all of his official acts and shall make an annual report to the Board of Supervisors and an annual report duly sworn to on the first day of July to the State Superintendent of Weights and Measures on blanks to be furnished by the Superintendent. The county sealer of weights and measures shall forthwith on his appointment give a bond in the penal sum of one thousand dollars with sureties to be approved by the appointing power for the faithful performance of the duties of his office: Provided, however, that nothing in the above shall be construed to prevent two or more counties from combining the whole or any part of their districts as may be agreed upon by the Court of County Commissioners or Board of Revenue of such counties, with one set of standards and one sealer, upon the written consent of the State Superintendent of Weights and

Measures. A county sealer appointed in pursuance of such an agreement for such combination, shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are party to the agreement.

Section 8. Any incorporated city in this State may in its discretion, appoint a city-sealer of weights and measures under this Article. He shall be appointed by the mayor, by and with the advice and consent of the aldermen or by the City Commission, as the case may be. He shall perform in said city similar duties, and have like powers, as the county sealer in the county. In those cities in which no sealer is appointed as above, the county sealer of the county, if there be one, shall perform in said cities the duties and have like powers as in the county: Provided, however, that nothing in the above shall be construed to prevent any county and a city situated from combining the whole or any part of their districts as may be agreed upon by and between the Court of County Commissioners or Board of Revenue of the county and the mayor and aldermen, or City Commission, of such city, with one sealer, subject to the written approval of the State Superintendent of Weights and Measures. A sealer so appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are parties to the agreement.

Section 9. Any person who by himself or by his servant or agent or as the servant or the agent of another shall offer or expose for sale, sell, or use or retain in his possession, a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device which has not been sealed by the sealer of weights and measures within five years, in the buying or selling of any commodity or thing or for hire or reward; or who shall dispose of any condemned weight, measure or weighing or measuring device contrary to law or remove any tags placed thereon by the sealer of weights and measures; or any person who by himself or by his servant or agent as the servant or agent of another, shall knowingly sell or offer expose for sale less than the quantity he represents, or sell or offer or expose for sale any such commodity in a manner contrary to law; or any person who by himself or by his servant or agent, or as the servant or agent of another, shall sell or offer for sale or have in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars or by imprisonment for not more than

three months or by both such fine and imprisonment upon first conviction; but upon a second or subsequent conviction he shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

Section 10. The Superintendent of Weights and Measures, his deputy, inspectors, and the county and city sealers of weights and measures are hereby made special policemen, and are authorized to seize, for use as evidence and without formal warrant any false or unsealed weight, measure or weighing or measuring device or package or amounts of commodities, found to be used, retained or offered or exposed for sale or sold in violation of law.

Section 11. Any person who shall hinder or obstruct in any way, the Superintendent of Weights and Measures, his deputy, or inspectors, or any county or city sealer in the performance of his official duties shall be guilty of a misdemeanor, and shall be punished upon conviction thereof, in any court of competent jurisdiction, by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

Section 12. Any person who shall impersonate in any way the Superintendent of Weights and Measures, his deputies, inspectors, or any county or city sealer, by use of his seal or otherwise, shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

ARTICLE 23.

SALE OF FARM PRODUCE ON COMMISSION.

Section 1. The term "commission merchant" shall include every person, firm, association and corporation, licensed under this Article to receive, accept in trust, sell or offer for sale on commission within this State any kind of farm produce. The term "farm produce" shall include all agricultural, horticultural, vegetable and fruit products of the soil, and meats, livestock, poultry, eggs, dairy products, nuts and honey, but shall not include timber products.

Section 2. On and after October first, nineteen hundred twenty-three, no person, firm, association or corporation, whose principal place of business shall be located in any city or town in this State, shall receive, sell or offer for sale on commission within this State any kind of farm produce, without a license

as provided in this Article. Every person, firm, association and corporation in this State receiving farm produce for sale on commission shall annually on or before October first, file an application with the State Commissioner of Agriculture and Industries, for a license to do a commission business in farm produce. Such application shall state the kind or kinds of produce which the applicant proposes to handle, the full name of the person or corporation applying for such license, and if the applicant be a firm or association, the full name of each member of the firm or association, the address including the street number at which the business is to be conducted, and such other facts as the Commissioner of Agriculture and Industries shall prescribe. Such applicant shall further satisfy the said Commissioner of his or its character, responsibility and good faith in seeking to carry on a commission business. The Commissioner of Agriculture and Industries shall thereupon issue to such applicant, on payment of ten dollars, in cities or towns of less than twenty thousand population, and twenty-five dollars, in cities of more than twenty thousand population, a license entitling the applicant to conduct the business of receiving and selling farm produce on commission at the place named in the application until the tenth day of October next following. Such license shall not be issued, however, to any applicant if during the preceding year a complaint from any consignor of farm produce for sale on commission shall have been filed with the Commissioner of Agriculture and Industries against such applicant for any of the grounds specified in section four hereof, and such complaint shall have been established as true and just to the satisfaction of the Commissioner after such complaint shall have been investigated by the Commissioner in the manner provided by section three of this Article. The provisions of this Article shall not apply to co-operative marketing associations, incorporated under the laws of this State for marketing farm products, when operating on a non-stock and non-profit plan.

Section 3. The Commissioner of Agriculture and Industries shall have power to investigate, upon the complaint of an interested person, or of his own motion, the record of any person, firm or corporation applying for a license, or any transaction involving the solicitation, receipt, transportation, sale or attempted sale of farm produce on a commission basis, including the making of charges in selling, carting, or other services, the failure to make proper and true accounts and settlements at prompt and regular intervals, the making of false statements as to condition, quality or quantity of goods received or while in storage, the making of false statements as to market conditions, or the failure to make payments for goods received or

other alleged injurious transactions, and for such purpose may examine the ledgers, books of accounts, memoranda or other documents of any commission merchant; but information relating to the general business of any such person, contained in such investigation and not relating to the immediate purpose thereof shall be deemed of a confidential nature by the commissioner. When a complaint is filed with the Commissioner, he shall attempt to secure an explanation or adjustment; failing this, within ten days he shall cause a copy thereof, together with a notice of a time and place for a hearing on such complaint, to be served personally, or by mail, upon such commission merchants. If served by mail such complaint and notice shall be directed to such commission merchant at his place of business and the postage prepaid thereon. Such service shall be made at least seven days before the hearing. At the time and place appointed for such hearing, which shall be within the county where the commission merchant is licensed to do business, the commissioner shall hear the parties to such complaint, and shall enter in the office of the Commissioner of Agriculture and Industries a decision either dismissing such complaint or specifying the fact which he deemed established on such hearing.

Section 4. The Commissioner of Agriculture and Industries may decline to grant a license or may revoke a license already granted, where he is satisfied of the existence of the following cases or either of them: 1. Where false charges have been imposed for handling or services, or charges other than as by a schedule agreed on by the parties, or other than those customary in the trade; 2. Where there has been a failure to account promptly and properly or to make settlements with intent to defraud; 3. Where there have been false statements as to condition, quality or quantity of goods received or held for sale or commission; 4. Where there have been false or misleading statements as to market conditions with intent to deceive; 5. Where there have been combinations to fix prices below the market level; 6. Where there has been a continual course of dealings of such nature as to satisfy the commissioner of inability of the commission merchant to properly conduct the business, or of an intent to deceive or defraud customers; 7. Where the commission merchant directly or indirectly purchases the goods for his own account without prior authority therefor, or without notifying the consignor thereof.

Section 5. The action of the Commissioner of Agriculture and Industries in refusing to grant a license, or in revoking a license granted under this article, shall be subject to review by a writ of certiorari from the Circuit Court or Court of like jurisdiction, and if such proceedings are begun; until the final determination of certiorari proceedings and all appeals there-

from, the license of such commission merchant shall be deemed to be in full force and effect, or if such license shall have been refused, such commission merchant shall not be deemed to have violated the provisions of this Article, prohibiting the transaction of such business without a license, provided the fee for such license shall have been paid.

Section 6. The Commissioner of Agriculture and Industries shall publish in pamphlet form as often as he thinks is necessary, a list of all the licensed commission merchants.

Section 7. If any shipper of farm produce to a commission merchant be dissatisfied with any statement relative to the sale of such shipment, he may apply to the Commissioner of Agriculture and Industries in writing, within sixty days of making such shipment, for an investigation. The Commissioner of Agriculture and Industries shall treat such applicant as a complaint, and shall cause a full investigation of the transaction complained of to be made in the manner provided by section five of this Article.

Section 8. Any person, who being a commission merchant in farm produce, shall (a) impose false charges for handling or services in connection with food products, or (b) fail to account for such food products, promptly and properly and to make settlements therefor with intent to defraud, or (c) shall make false or misleading statement or statements as to the market conditions with intent to deceive, or (d) enter into any combination to fix prices below market level, (e) directly or indirectly purchase for his or its own account, goods received by him upon consignment without prior authority therefor from the consignor, or shall fail to promptly notify the consignor of such purchase on his own account, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, and the cost of prosecution, or by imprisonment in the county jail for not less than six months nor more than one year or by such fine and imprisonment in the discretion of the court in each and every offense.

Section 9. Any commission merchant of farm produce, as defined in Sections One and Two of this article, who shall fail to take out a license as required by this Article, shall be deemed guilty of a misdemeanor and for each and every offense of selling farm produce on commission without such license, shall be punished by a fine of not more than one hundred dollars, and the costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or both in the discretion of the court, and the fact that any person advertises and holds himself out as a commission merchant of farm produce, or handler of farm produce on commission or who handles farm produce in

trust, shall be prima facie evidence of the fact that he is a commission merchant of farm products as defined by this Article.

ARTICLE 24.

SALE OF FARM PRODUCE BY THE PRODUCER.

It shall be unlawful for any municipality to charge the farmer or others engaged in the production of farm products of whatever nature, any license fee for the sale or of other disposition of such farm products produced by them at any place; nor shall such municipality prevent the sale of such products by the producer thereof when the said farmer shall have complied with all reasonable regulations for the sale of such products in such municipality.

ARTICLE 25.

HORTICULTURAL PRODUCTS.

Section 1. The powers and duties of the State Board of Horticulture, provided for by Chapter 24 of the Code of 1907, as subsequently amended, and transferred by Article 4 of this Act to the State Board of Agriculture, created by Article 2, Section 1 of this Act, (and the provisions thereof) are hereby revised and amended to read as hereinafter provided in this Article.

Section 2. No person shall engage or continue in the business of selling within the State or of importing into the State, any fruit trees, shade trees, shrubs, vines, or plants known as nursery stock, without having first obtained a license to do such business in this State.

Section 3. Any person shall obtain a license from the Commissioner of Agriculture and Industries, as the executive officer of the State Board of Agriculture, to engage in the business, as provided in the preceding Section, upon the payment of the fee of ten dollars, and compliance with the provisions of this Article; provided that the agent of a person so engaged shall pay a license fee of one dollar. A license granted under this title shall be for one year; provided, however, that such license may be revoked at any time at the discretion of the Commissioner for any violation of this Article or the rules and regulations of the State Board of Agriculture. The form of a license herein required shall be a receipt by the Commissioner of Agriculture and Industries, stamped with the official seal of the Department of Agriculture and Industries, and setting out the conditions under which the license may continue in full force.

Section 4. The Commissioner of Agriculture and Industries, his agent or assistants shall visit any section of the State where pests or diseases may exist, to determine whether infested or diseased trees or plants are worthy of remedial treatment or shall be destroyed, and on visiting and discovering such diseased or infested trees or plants he shall immediately report his findings in writing to the owner of the infected or diseased plantation, his agents or tenants. If he deems it necessary—as in the case of highly infectious plant diseases and communicable insect infestations—he shall also attach to each infected plant or planting at the principal entrance of said infected or infested property or planting a tag or card of a kind of material that will withstand the weather conditions for a period of at least ninety days and which tag may be replaced from time to time until the said trees or plants have been treated, freed from said infection or destroyed, and upon such tag, in indelible markings, shall be noted the approximate extent of the infection or infestation on said farm, nursery, or orchard, the name by which the disease is known and such other words, or instructions, of a quarantine nature as the said Commissioner shall deem to be necessary to prevent the spread of the infection or infestation to other trees, plantings or orchards than those originally found to be infected or infested on said farm, nursery or property. Any such tag, or card shall not be removed, altered, nor defaced by the owner, tenant, or manager of said farm or any other person unless authorized to do so by the said Commissioner or his agents. Any person or persons who shall remove, deface or alter the said tag or card after the same has been affixed as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$100.00. In case of objections to the findings of the said Commissioner or his agent, an appeal may be made to the State Board of Agriculture, who shall immediately summon witnesses, hear testimony under oath and render its decision, which shall be found. An appeal must be taken within ten days (10 days) and shall act as a stay of proceedings until it is heard and decided. In case of an appeal by the owner of any nursery, orchard or plantation to the State Board of Agriculture, the State shall pay the cost of the proceedings in the event that the owner shall win his appeal, and the appellant shall pay said cost in the event his appeal is not sustained, and the said cost shall constitute a lien against the property of said owner and may be collected in the manner provided in Section 5 of this Article.

Section 5. Upon the findings of the Commissioner of Agriculture and Industries or his agent, the Chief of the Division of Plant Industry (who shall also be known as the State Plant

Inspector, who shall be a graduate of an "A" grade agricultural college in Horticulture, and who has had professional training in economic entomology and pathology and has had practical experience in horticulture) in any case of infested or diseased trees or plants, the treatment prescribed by him shall be executed at once (unless an appeal be taken), under his supervision, the cost of labor and material shall be borne by the owner; provided, however, that in case the trees or plants shall be condemned, they shall be destroyed by or under supervision, of the State Plant Inspector or his deputy and the expense of such action shall be borne by the owner, which expense, whether of treatment or destruction, shall be paid by the owner within thirty days; if such owner shall fail to pay all such expenses within such time, the Attorney General shall or cause the State or County Solicitor of such county or circuit to bring suit in the name of the State for the recovery of the same and when judgment is recovered and collected the sum shall be paid into the State Treasury and accrue to the "Agricultural Fund."

Section 6. In case any person or persons refuse to execute the direction of the Commissioner of Agriculture and Industries or his agent, upon an appeal, a Justice of the Peace or Probate Judge of the county shall, upon complaint filed by the Commissioner, his agent, or any free-holder, cite the person or persons to appear before him within ten days after notice has been served, and the said Justice of the Peace or Probate Judge upon satisfactory evidence shall cause the prescribed treatment to be executed, and the expense thereof and the cost of court shall be collected from the owner or owners of infested or infected plants.

Section 7. The Commissioner of Agriculture and Industries, his agents or employees, may enter upon any premises in discharge of the duties prescribed in this Article.

Section 8. The State Board of Agriculture shall exercise all the powers conferred by Article Three (3) of this Act for preventing the introduction of dangerously injurious crop pests and diseases of all kinds from without the State, for preventing the existence of such pests or diseases on any premises of whatever nature and kind in this State, for preventing the existence of infested or diseased plants, trees or shrubs that are hosts for said pests or diseases, when same are in the counties wherein the said pests or diseases are already in existence, or regarding the dissemination of crop pests and diseases within the State, and for the governing of common carriers in transporting plants liable to harbor such pests or diseases, to and from and within the State.

Section 9. The State Board of Agriculture shall promulgate, through the press of the State, or in bulletins or both, rules

and regulations necessary to carry into full and complete effect the provisions of this Article, carefully defining what diseases or maladies, both insect and fungus, shall constitute infestation or infection in trees and plants within the meaning and purview thereof, and what plants, trees or shrubs are hosts for the various pests and diseases in the counties of the State in which the respective pests or diseases have an existence: Provided that no rule or regulation shall go into effect until after notice of same shall have been announced and the nurserymen, through the President or Executive Committee of their State Association, and other interested parties, have had reasonable time to be heard by the State Board of Agriculture in the office of the Commissioner of Agriculture and Industries or other location agreed upon, on the proposed rule or regulation.

Section 10. A copy of the certificate of the inspection of the Commissioner of Agriculture and Industries, or his agent, must accompany each box or package sold, given away, or shipped. Such certificate must be dated within twelve months. If upon examination such stock is found to conform to the requirements of the State Board of Agriculture the State Plant Inspector must furnish a certificate to that effect.

Section 11. Each and every person, residing or doing business outside the State, dealing in or handling trees or shrubs or other plants commonly known as nursery stock, shall file a copy of his or its report of his or its inspection furnished by the State Plant Inspector, Nursery Inspector, or other duly authorized officer of his or its State or County, and a fee of \$10.00 with the Commissioner of Agriculture and Industries. Upon the filing of this report and a fee of \$10.00, as above prescribed and upon request of the person a certificate will be issued to the same, and official tags bearing copy of such certificate and seal of the Department of Agriculture and Industries will be furnished the same at cost; provided, however, that the aforesaid reports of inspection shall be adjudged satisfactory by the Commissioner. Each box, bundle or package of nursery stock shipped into Alabama by any person shall bear one of these tags, and shipments of stock not thus tagged shall be liable to confiscation by the Commissioner of Agriculture and Industries, his agents or employees.

Section 12. No transportation company or common carrier shall accept or deliver and no person shall carry on his person or in any manner as baggage any box, bundle or package of trees, shrubs or other plants, commonly known as nursery stock to any consignee or from any shipper or person residing in the State of Alabama when said box, bundle or package does not bear the official tag or certificate of inspection issued by the Commissioner of Agriculture and Industries, nor shall they re-

ceive or deliver any box, bundle or package produced or originating in another State, when said box, bundle or package does not bear the official tag or certificate of inspection issued by the proper State authority in the State of its origin, without previously notifying the Commissioner of Agriculture and Industries of the particulars of the shipment or article carried by person for delivery or without duly warning the consignee or other receiver of his risk of accepting said shipment.

Section 13. No common carrier shall be liable for damages to the consignee or consignor for refusing to receive, transport, or deliver such trees, packages or boxes, when not accompanied by the tag or certificate as provided in the preceding Section.

Section 14. Upon a petition of fruit growers, vegetable growers or farmers growing or preparing to grow fruits, nuts, vegetables, flowers or other horticultural crops in any county of the State, to the County Commissioners or Board of Revenue of said County and to the State Board of Agriculture, the County Commissioners or Board of Revenue, as the case may be, shall, on its approval and the approval of the Commissioner of Agriculture and Industries of said petition, appoint a county plant inspector, whose duty it shall be in accordance with the Commissioner of Agriculture and Industries, or his agent, the State Plant Inspector, to inspect orchards, nurseries, trees, shrubs, vines, fruits, vegetables, plants, packing houses, warehouses, store rooms, farms, and all other premises within said County, and to enforce all laws of the State relating to such insect pests and such diseases as affect trees, vines, plants of any kind, or fruits or vegetables of any kind, and other horticultural laws, rules and regulations of the State; provided, however, that the State Plant Inspector so to be appointed shall be nominated by the Commissioner of Agriculture and Industries, and approved by the State Board of Agriculture, and shall be a graduate of an accredited or agricultural college and shall have not less than five years of practical experience in horticultural pursuits; and said County Plant Inspector shall hold his office during the time he performs the duties of said office in a manner satisfactory to the Commissioner of Agriculture and Industries. Upon a similar petition, the County Commissioners or Board of Revenue of said County shall appoint one or more assistant County Plant Inspectors; provided that such assistant or assistants, be first recommended in the manner herein provided for the appointment of a County Plant Inspector, and shall hold office during the pleasure of said County Commissioners and of the County Plant Inspector, for said county. Every such assistant County Plant Inspector shall have and perform all the powers and duties of a County Plant Inspector, but shall work under his direction.

Section 15. The County Plant Inspector and Assistant County Plant Inspectors and all other persons authorized to enforce the horticultural and inspection laws of Alabama, are authorized and empowered, provided, they show credentials from the Commissioner of Agriculture and Industries, to enter during reasonable hours upon or into any premises, land, buildings, enclosures, or other places for the purpose of inspecting any article which is subject to or may be subject to, infestation or infection with any insect or fungus injurious to any article which grows upon or in or from the soil by processes of plant growth, or the eggs, larvae, or pupae of such insects or with any disease injurious to any such article or articles for the further purpose of enforcing any of the laws of this State relating to horticultural quarantine or horticultural inspection or the abatement of horticultural nuisances or any other duties imposed by law upon such Plant Inspectors and other persons authorized to enforce the inspection and horticultural laws of Alabama.

Section 16. Such County Plant Inspector shall receive a sum not less than \$5.00 per day and his actual necessary expenses, and each assistant County Plant Inspector shall be paid for his services by said county a sum not less than \$4.00 per day and his actual necessary expenses incurred in the performance of his duties. The County Plant Inspector shall report monthly to the Commissioner of Agriculture and Industries, on or before the last day of each month, stating the kind and amount of work done by himself and his assistant or assistants, the necessary expenses incurred with vouchers for the same, and the number of days that the County Plant Inspector and his assistant or assistants are entitled to pay. When the Commissioner has examined and approved the said report, and claim, the County Commissioners or Board of Revenue shall upon the receipt of the report so approved pay the salary and expenses of the said County Plant Inspector, and his assistant or assistants, and to the Commissioners shall certify the same to the Treasurer of the county before such compensation and expenses shall be paid.

Section 17. The Board of County Commissioners or Board of Revenue of each county shall supply the County Plant Inspector and Deputy County Plant Inspector with such blanks as are not furnished by the Commissioner of Agriculture and Industries and with such assistance, stationery and postage as are needed in the performance of their official duties.

Section 18. It shall be the duty of the County Plant Inspector, whenever he deems it necessary on written approval of the Commissioner of Agriculture and Industries, to cause an inspection to be made during reasonable hours of any orchard, nurseries, trees, plants, vegetables, vines, or any fruit packing houses, store rooms, sales rooms, or any other place within his

district, and also of any fruit trees or nursery stock shipped within the limits of this State, and if found infected or infested with any pests, diseases or fungous growth injurious to fruits, plants, trees, vegetables, or vines, or with their eggs or larvae liable to spread to other plants or localities, or of such nature as to be of public danger, he shall notify the owner or owners or persons in charge or in possession of such articles, things or places, that the same are so infested or infected or in case such fruit trees or nursery stock, although apparently sound and not infested or infected by any pests, shall have been from an infested district beyond the limits of this State, he shall also so notify the owner or owners or persons in charge of or in possession of the same to eradicate or destroy said insects or pests or their eggs or larvae, or such imported fruit trees or nursery stock from infested districts without the limits of this State, or to treat such contagious diseases within a certain time to be specified in said notice. Said notice may be service upon the person or persons, or any of them, owning, having charge of or having possession of such infested place, article, or thing by said County Plant Inspector, or by any person deputed by him for that purpose, or they may be served in the same manner as a summons in an action at law. Such notice shall contain directions for the application for such treatment approved by the County Plant Inspector for the eradication or destruction of said pests or the eggs or larvae thereof, or the treatment of contagious diseases of fungous growth. Any and all such places, orchards, nurseries, trees, plants, shrubs, vegetables, vines, fruits or articles thus infested are hereby declared to be a public nuisance, and should they exist at any place in the State on the property of any owner or owners upon whom or upon the person in charge or possession of whose property notice has been served as aforesaid, and who shall have failed or refused to abate the same within the time specified in such notice, or if it is the property of any non-resident or any property not in the possession of any person and the owner or owners of which cannot be found by the County Plant Inspector after diligent search within the county, it shall be the duty of the County Plant Inspector to cause such nuisance to be at once abated by eradicating or destroying said insects or pests or their eggs or larvae, or by treating or disinfecting or destroying the infested or diseased article, or imported fruit trees or nursery stock imported from an infested district without the limits of this State. The expense thereof shall be a county charge and the Board of County Commissioners or Board of Revenue shall allow and pay the same out of the general fund of the county.

Section 19. The said County Plant Inspector or his agents or employees are hereby empowered with authority to enter

upon any premises and to examine all plants and trees whatsoever in discharge of the duties herein prescribed. Any person, who shall obstruct or hinder them or their agents in the discharge of their duty shall be guilty of a misdemeanor.

Section 20. The wages and expenses of the County Plant Inspectors and the assistants shall be paid out of the treasuries of the counties where their work is performed in each case; but in case two or more counties wish to co-operate in the employment of one person to serve in the capacity of Plant Inspector into two or more counties, he shall receive such salary from each county as that county's assessed property valuation bears in proportion to the other county or counties. In each county jointly employing such Plant Inspectors he shall be designated the County Plant Inspector of that county.

Section 21. It shall be unlawful for any person to import, sell, give away, or have in possession for sale or barter, fruits, nuts, vegetables, or flowers of any kind in the State of Alabama that are infested or infected with insects or diseases of a kind and to such an extent that it is likely to cause serious damage to products susceptible to the disease or insect.

Section 22. The State Board of Agriculture shall hear and promptly decide all appeals from the County Plant Inspector or his assistants in this State, and its decisions shall have full force and effect until set aside by the courts of the State. All appeals from County Plant Inspectors or their assistants to the State Board of Agriculture shall be under the form and regulations as prescribed by the said Board.

Section 23. It shall hereafter be unlawful for any person owning or operating any nursery, or fruit orchards of any kind, to throw any cuttings, or prunings of any fruit trees, nursery stock or ornamental trees, or any diseased or infested fruit, into any public road, highway, lane, field or other enclosure, or into any water course of any kind; but shall destroy such diseased cuttings or prunings, or diseased or infected fruit, with fire within a reasonable time from the time such cuttings or prunings are made.

Section 24. Every person who packs or prepares for shipment to any point within a prohibited area in the State, which may be prescribed by the State Board of Agriculture, or who delivers or causes to be delivered to any express agent or railroad agent, or other person, or to any transportation company, or corporation for shipment to any point within a prohibited area which may be prescribed by the State Board of Agriculture, any fruit or fruits either fresh, cured or dried, that is infested with certain designated diseases and pests, designation to be made by the Board, communicable insect pests or diseases

injurious to trees, shrubs, plants, fruits, or vegetables, shall be deemed guilty of a misdemeanor.

Section 25. Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than ten nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

Section 26. It shall be the duty of the County Plant Inspector of the county in which a violation of this article occurs to present the evidence of the case to the county solicitor, whose duty it shall be to prosecute a person guilty of a violation of this Article, which prosecution may be brought in any of the justice courts or courts of like jurisdiction of that county.

ARTICLE 26.

FROSTED CITRUS FRUIT.

Section 1. It is unlawful for any person to ship, offer for shipment, or to sell citrus fruits in boxes or in bulk, if the contents of any package, or if the fruit in bulk contains fifteen per cent or more of citrus fruits which on a transverse section through the center, shows a marked drying in twenty per cent or more of the exposed pulp.

Section 2. It shall be the duty of the Commissioner of Agriculture and Industries and his agents to enforce the provisions of this Article, and bring to notice of the proper authorities any violation thereof. The Commissioner of Agriculture and Industries and his agents shall have full power and authority to enter any place where oranges, lemons or grapefruit are grown, picked, packed, shipped or offered for shipment or sold and to inspect such place or any part thereof.

Section 3. Any person violating any provision of this Article is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than fifty dollars, and may be imprisoned in the county jail for a period not exceeding six months.

ARTICLE 27.

SALE OF FRUIT TREES AS TO KIND OR VARIETY.

Section 1. It shall be unlawful for any person, acting either as principal or agent, to sell, to any person, any fruit trees representing same to be of a certain kind, variety, and descrip-

tion and thereafter to deliver to such purchaser in filling such order and in completing such sale a fruit tree or fruit trees of a different kind, variety or description than the kind, variety or description of such fruit tree or fruit trees so ordered and sold. Provided a variation in kind, variety and description may vary not more than five per cent in any shipment containing not less than fifty such fruit trees.

Section 2. Any person violating any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not less than twenty days or more than six months, or by both fine and imprisonment.

Section 3. Prosecutions under this Article may be commenced at any time within seven years from the time of the delivery of such fruit tree or fruit trees mentioned in Section One.

ARTICLE 28.

SALE OF FALSELY NAMED SEEDS, TREES OR PLANTS.

Section 1. All trees, seeds, plants and vines, sold, offered or exposed for sale in the State of Alabama, shall be properly named as to variety and kind, and any person knowingly selling, trading, or exchanging, or offering or exposing for sale any trees, seeds, plants or vines falsely named as to variety and kind shall be guilty of a misdemeanor, and shall be liable to a fine of not less than ten dollars, nor more than three hundred dollars.

ARTICLE 29.

ALABAMA GRAIN STANDARDS ACT.

Section 1. This Article shall be known and when cited or amended may be designated as the "Alabama Grain Standardization Act."

Section 2. The Commissioner of Agriculture and Industries, with the advice and counsel of the State Board of Agriculture, is hereby charged with the duty of carrying out all of the provisions of this Article, and he shall put into effect the provisions of this Article relative to the grading and inspection of grains for which federal standards have been established under authority of the United States Grain Standards Act.

Section 3. He shall have the power: (a) To establish uniform grades for grain, which are hereby defined as including corn (maize), wheat, rye, oats, barley, grain sorghum and beans. Any standard for grains now or hereafter made mandatory under authority of the Congress of the United States, shall forthwith, be established and promulgated by the Commissioner

of Agriculture and Industries as the official standards of this State. In establishing grades for grain that is sold on a dockage basis, dockage shall be considered and such dockage that is of value and retained shall be paid for. Dockage as used therein shall be understood to mean dockage as defined in the official grain standards of the United States. (b) To make, amend, or repeal rules and regulations for the grading and inspection of grain, for the purpose of carrying out the provisions of this Article, provided that all such rules shall be published by him in such manner as to give proper publicity thereto. (c) To fix and determine all charges for sampling, grading and inspecting grain.

Section 4. The Commissioner of Agriculture and Industries may establish official stations for the inspection of grain at any town or place where grain is bought, sold, marketed, stored or manufactured. The Commissioner of Agriculture and Industries shall inspect and grade upon request all grain sold, offered for sale, or consigned for sale. He shall issue a uniform grade certificate stating the kind and grade of grain, test weight per bushel, and the reason for all grade below number one, and such other facts as he may require; provided, however, that none of the facts certified in such certificate shall be presumed to continue or exist beyond sixty days after the date of such certificate; provided, further that certificates issued by authorized agents of the Commissioner of Agriculture and Industries shall be received in all courts of the State of Alabama as prima facie evidence of the truth of the statements therein contained at the time of the issuance of said certificate and for sixty days thereafter. Such certificates shall be delivered to the owner of such grain or his agent.

Section 5. The Commissioner of Agriculture and Industries may designate any person as inspector under the provisions of this Article who is eligible for a license under the United States Grain Standards Act. No employee of the Department of Agriculture and Industries engaged in the inspecting or grading of grain under the provisions of this Article shall be interested financially or otherwise, directly or indirectly, in any grain elevator, warehouse or in the merchandising of grain, or be employed by any person, firm or corporation owning or operating any grain warehouse or elevator.

Section 6. The Commissioner of Agriculture and Industries shall issue to each employee authorized to grade and inspect grains under this Article a certificate showing such authority, which shall be posted in a permanent and conspicuous place at the official station of such employee.

Section 7. Whenever standards and grades shall have been fixed and established under the provisions of this Article for

any grain, it shall be unlawful thereafter for any person, firm or corporation to buy or sell grain designed for intrastate shipment on the basis of any standard or grade that may be established under the authority of this Article without first having secured certificates of grade from the Commissioner of Agriculture and Industries; Provided that this section shall apply only in cases where the purchaser has made request for such inspection prior to such shipment.

Section 8. The grade of grain shall be determined at such points as inspectors of the department may be located, by actual sampling, grading and inspection. Such grain delivered at points where an agent or inspector of the department may not be located shall be graded on the basis of fair samples guaranteed to be such in writing by the buyer and seller. Such samples shall be taken in the manner prescribed by the Commissioner of Agriculture and Industries under the rules and regulations of this Article; provided, that certificates issued on the basis of fair samples guaranteed to be such by the buyer and seller shall state only the grade of such samples.

Section 9. Any person aggrieved by the grading by any employee of the Commissioner of Agriculture and Industries of any grain for which federal standards have been fixed, may with the approval of the Secretary of the United States Department of Agriculture, appeal to the Federal Grain Supervisor of the district in which the State of Alabama may be located. The Federal Grain Supervisor is hereby appointed as an employee of the Department of Agriculture and Industries of the State of Alabama, to serve without pay, for the purpose of hearing and deciding appeals from the original grading of grain by any employee of the State Department of Agriculture and Industries. Such Federal Grain Supervisor may confer with the Commissioner of Agriculture and Industries, his duly authorized agents, and employees and any other interested parties and shall make such tests as may be deemed necessary to determine the correct grade of the grain in question. After making such tests the Federal Grain Supervisor shall issue, or cause to be issued, a federal appeal grade certificate to all interested parties, which shall state the grade of the grain as determined by such tests, the number of the inspector's certificate which is superseded by the federal appeal grade certificate, and the following statement: "This certificate is issued pursuant to the United States Standards Act and the Alabama Grain Standards Act." Such federal appeal grade certificate shall be prima facie evidence of the correct grade of the grain in any court of the State of Alabama; provided, that any person aggrieved by the grading by any employee of the Commissioner of Agriculture and Industries of any grain for which federal standards have not been fixed

but for which state grades have been established under the provisions of this Article, may appeal the question to the Commissioner of Agriculture and Industries. The Commissioner of Agriculture and Industries shall make such tests as shall be deemed necessary to determine the correct grade of the grain in question and after making such tests shall issue or cause to be issued an appeal grade certificate to all interested parties. Said certificate shall take such form as is prescribed by the Commissioner of Agriculture and Industries in the rules and regulations under this Article. Such certificate shall be prima facie evidence of the correct grade of the grain in any court of the State of Alabama. The Commissioner of Agriculture and Industries shall charge, assess, and cause to be collected for each such appeal as is filed with the State Department of Agriculture and Industries a fee of five dollars which shall be paid to the Commissioner of Agriculture and Industries, and same shall be refunded if the appeal is sustained; provided, further, that any appeal from inspection and grading made under the provisions of this Article shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Commissioner of Agriculture and Industries may prescribe; provided, also, that any buyer of grain buying under the standards and grades of this Article shall be entitled to appeal from any inspection or grading made under the provisions of this Article at any time within two days of the transfer or delivery to said buyer by any seller of any certificate issued under the provisions of this Article and regardless of any movement of said grain.

Section 10. The Commissioner of Agriculture and Industries shall cause all grades established hereunder to be published in one or more newspapers or farm journals of general circulation throughout the State, with the dates when such grades so established shall become effective, which shall not be less than thirty days from the date of such publication. Official grades shall be kept on file in every official grading station for public inspection.

Section 11. The Commissioner of Agriculture and Industries shall provide proper sieves, cleaning devices and other apparatus necessary for separating dockage from grain, grain testers, strokers, and such other tools as shall not be disapproved by the bureau of markets of the United States Department of Agriculture.

Section 12. Any person violating any of the provisions of this Article shall be guilty of a misdemeanor.

Section 13. The Commissioner of Agriculture and Industries and his duly authorized employees may enter and inspect

any place where grain is stored, shipped, sold, or offered for sale for the purpose of carrying out the provisions of this Article. The Commissioner of Agriculture and Industries and his duly authorized employees may, for the purpose of inspection and examination of grain, break the seals of cars and after such inspection has been made the said officials shall securely close and reseal such doors as have been opened by them, using the special seal provided by the Department of Agriculture and Industries for the purpose. A record of all original seals broken by said officials, and the date when broken, and also a record of all state seals substituted therefor, and the date and number of said seals, shall be made by such officials. Any person who forcibly assaults, resists, impedes or interferes with said Commissioner of Agriculture and Industries or his employees in the execution of any duty authorized to be performed by him under this Article shall be guilty of a misdemeanor.

ARTICLE 30.

STANDARDS FOR AGRICULTURAL PRODUCTS AND CONTAINERS THEREOF AUTHORIZED.

Section 1. In this Article the term "agricultural products" shall include horticultural, viticultural, dairy, bee, poultry and any farm product; the word "person" shall include individuals, partnerships, corporations, associations, or two or more individuals having a joint or common interest; words used import the singular or the plural as the case may demand.

Section 2. In order to promote, protect, further, and develop the agricultural interests of this State the Commissioner of Agriculture and Industries, with the advice and counsel of the State Board of Agriculture is hereby authorized and empowered after investigation and public hearing to fix and promulgate official standards for grading and classifying any or all agricultural products grown or produced in this State and to fix and promulgate official standards for containers of farm products and to change any of them from time to time.

Section 3. In promulgating the standards or any alterations or modification of such standards the Commissioner of Agriculture and Industries shall specify the date or dates when the same shall become effective and shall give public notice not less than 30 days in advance of such date or dates by such means as he deems proper, and he is hereby authorized and empowered to employ reasonable methods for diffusing information concerning the standards that may be fixed by him for any agricultural product or container.

Section 4. The Commissioner of Agriculture and Industries with the advice and counsel of the State Board of Agriculture is authorized to fix and promulgate as the official standards for this State for any agricultural product or container, the standard for such product or container which may have been promulgated or announced therefor under the authority of the Congress of the United States, and in carrying out the provisions of this Article the said Commissioner is authorized to co-operate with the United States or any department thereof in accomplishing the matters and things provided for herein.

Section 5. The Commissioner of Agriculture and Industries is hereby authorized to designate any competent employee or agent of the Department of Agriculture and Industries, and upon satisfactory evidence of competency may license any other person and charge and collect a reasonable fee for such license, to inspect or classify, or cause to be inspected or classified, agricultural products, in accordance with such regulations as may be prescribed by the State Board of Agriculture, at such places as the volume of business may be found to warrant the furnishing of such inspection service, at the request of persons having an interest in such products, and to ascertain and certify to such persons the grade, classification, quality or condition thereof, and such other pertinent facts as the Commissioner may require. The Commissioner of Agriculture and Industries, with the advice and counsel of the State Board of Agriculture, is authorized to fix, assess and collect or cause to be collected fees for such services when they are performed by employees or agents of the Commissioner of Agriculture and Industries. Licensed inspectors may charge and collect as compensation for such service only such fees as may be approved by the State Board of Agriculture. The Commissioner of Agriculture and Industries may suspend or revoke any license whatever, after an opportunity for hearing has been afforded to the licensee, when he shall determine that such licensee is incompetent or has knowingly or carelessly failed to grade or classify any agricultural product in accordance with such standards, or has knowingly or carelessly failed to correctly certify the grade, classification, quality or condition of any agricultural product, or has violated any provision of this Article or of the regulations made hereunder. Pending investigations the said Commissioner may suspend a license temporarily without a hearing.

Section 6. Whenever any quantity of any agricultural product shall have been inspected hereunder and a question arises as to whether the certificate issued therefor shows the true grade, classification, quality or condition of such product, any interested person, subject to the regulations prescribed by the State Board of Agriculture, may appeal the question to him

and he is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine and issue a finding of the true grade or classification of the product or of the quality or condition thereof. Whenever an appeal shall be taken to the Commissioner under this Article, he shall charge and assess and collect, or cause to be collected, a reasonable fee, to be fixed by the State Board of Agriculture, which shall be refunded if the appeal is sustained.

Section 7. A certificate when not superseded by a finding on appeal, or a finding on appeal of the grade, classification, quality or condition of any agricultural product, issued under this Article and all certificates issued under authority of the Congress of the United States relating to the grade, classification, quality or condition of agricultural products shall be accepted in any court of this State as prima facie evidence of the true grade, classification, condition or quality of such agricultural product at the time of its inspection.

Section 8. The State Board of Agriculture is hereby authorized and empowered to promulgate regulations for carrying out the purposes and provisions of this Article.

Section 9. The Commissioner of Agriculture and Industries may require any employee or agent and any inspector licensed under this Article to execute and file with him a good and sufficient bond, payable to the State, in such sum, not exceeding one thousand dollars, and with such surety or sureties, as he may prescribe, conditioned upon the faithful performance of such employee, agent or licensed inspector of his duties as such employee, agent or licensed inspector. Any person injured by the the failure of such employee, agent or licensed inspector faithfully to perform such duties shall be entitled to sue on such bond in his own name in any court of competent jurisdiction for the recovery of such damages as he may have sustained by reason of such failure.

Section 10. Any employee or agent employed under this Article or any inspector licensed hereunder who shall knowingly inspect, grade or classify improperly any agricultural product or shall knowingly give any incorrect certificate of grade, classification, quality or condition or shall accept money or other consideration directly or indirectly for any incorrect or improper performance of duty and any person who shall improperly influence or attempt to improperly influence any such agent, employee, or licensed inspector in the performance of his duty shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned not more than one year or both.

Section 11. If any quantity of any agricultural product shall have been inspected and a certificate issued hereunder

showing the grade, classification, quality or condition thereof no person shall represent that the grade, classification, quality or condition of such product at the time and place of such inspection was other than as shown by such certificate. Whenever any standard for a container for an agricultural product becomes effective under this Article, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell and deliver, in a container, any such agricultural product to which the standard is applicable, unless the container conform to the standard subject to such variations therefrom as may be allowed in the regulations made under this Article, unless such product be brought from outside the State and offered for sale, consigned for sale or sold in the original package. Any person violating this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned not more than one year or both.

ARTICLE 31.

PUBLIC GINS, SUPERVISION OF.

Section 1. All gins in this State which gin cotton for hire or toll are hereby declared to be public gins and shall be under the supervision of the State Board of Agriculture.

Section 2. The proprietor, lessee or manager of any public gin shall procure each year from the Commissioner of Agriculture and Industries, before the opening of the ginning season, a permit to do business as a public ginner, the application for which shall be made upon forms to be furnished by the Commissioner of Agriculture and Industries, and such proprietor, lessee or manager shall pay to the Commissioner of Agriculture and Industries the sum of One Dollar for issuing each such permit.

Section 3. Power is hereby conferred upon the State Board of Agriculture to establish rules and regulations not inconsistent with law, for the conduct and management of public gins, the character, amount and weight of bagging and ties to be used, the marking or tagging of cotton, the records to be kept, reports made as to ginning and other like matters that may tend to protect the interests of the public.

Section 4. It shall be the duty of the Commissioner of Agriculture and Industries to enforce the requirements of law relative to public gins and see that all rules and regulations relative to public gins that may be established from time to time by the State Board of Agriculture are observed. The said Commissioner shall have power to refuse to issue a permit, and to revoke at any time the permit that has been issued to any public

ginner who fails or refuses to comply with the law or with the rules and regulations of the State Board of Agriculture. Any public ginner to whom such Commissioner refuses to issue a permit or whose permit has been revoked, may appeal to the State Board of Agriculture, which shall consider the matter with as little delay as possible and make such order as may be justified by the facts; but this shall not be construed as preventing a resort to any court that may have jurisdiction.

Section 5. Any public ginner who operates his gin without first securing a permit therefor as provided in this Article, or who operates after such permit has been revoked, shall be guilty of violating the provisions of this Article, and on conviction be fined as for a misdemeanor for each day so operated.

Section 6. This Article shall go into effect on March 1, 1924.

ARTICLE 32.

COTTON.

Section 1. It shall be unlawful for any person, in buying baled cotton, or in weighing such cotton for sale, to deduct from the actual weight thereof, as shown on a level-standing beam of the scale, or to use in weighing cotton untested weights, so as to deprive the seller of the cotton of any of its real value.

Section 2. Any person, who violates the preceding section, shall be guilty of a misdemeanor, and on conviction, be fined in each case, not less than ten nor more than fifty dollars. But deductions may be made by mutual consent of buyer and seller or their authorized agents or representatives, on wet or damaged cotton bales, on each bale so weighed or deducted from.

Section 3. Any corporation, companies, individuals, or their agents, operating or owning places for storing and weighing cotton, doing business in this State, who fail to keep a record of all bale cotton weighed by warehousemen, corporations, companies, individuals or their agents, for whom each bale of cotton is weighed, with the names of such persons arranged alphabetically, or who fails to keep such record open to the inspection of the public at all reasonable times, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than five hundred dollars, for each violation thereof.

Section 4. Any warehouse proprietor, common carriers, officer, agent, clerk, or employee of such common carrier or person, or any other person who, for the purpose of preventing, delaying, or hindering the rightful owner, or person having a lien thereon from recognizing, finding and recovering his cot-

ton (whether the same has been sold to the warehouse proprietor, or to other persons), changes or mutilates the marks, brands, or numbers on such cotton, or conceals any cotton delivered to such warehouse, common carrier, or to such other person for sale or storage, must, on conviction, be fined not less than ten nor more than one hundred dollars.

Section 5. Any factor, commission merchant, consignee, or agent, having the control of any cotton, who, with intent to defraud the owner, appropriates to his own use any cotton taken from any bale under his control, or authorizes or knowingly permits any other person to take from any such bale any part thereof, and to retain the same to his own use, must, on conviction, be fined not less than fifty nor more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than twelve months.

Section 6. Any person who knowingly and unlawfully takes from any bale of cotton any part thereof, without the authority of the owner, consignee, or agent, must, on conviction, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than six months.

Section 7. Any person who is authorized to sample cotton, and who, with intent to defraud, converts such samples to his own use, or refuses to deliver them on demand to the owner, consignee, or agent, within thirty days after they are taken, unless they have, in the meantime, been destroyed, or stolen without his agency, or taken out of his possession by legal process, must on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Section 8. Any person who, knowingly and with intent to defraud, buys or receives any cotton taken from the bale without the authority of the owner, consignee, or agent, must on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Section 9. Any person who, without the authority of the owner, consignee, or agent, willfully or wantonly cuts, tears, or otherwise opens any bale of cotton, must, on conviction, be fined not more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

Section 10. Any cotton broker, or other person, firm or corporation, engaged in the business of buying cotton, either on

his own account, or for others, who buys or engages to buy, from a planter or commission merchant, any cotton and fails or refuses to pay for the same at the time agreed upon, and makes way with or disposes of any cotton purchased and not paid for, is guilty of fraud and embezzlement, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years, at the discretion of the jury.

Section 11. Any person violating any of the provisions of Section 23 of this Article, must on conviction, be fined not less than fifty nor more than one hundred dollars for each offense, one-half of which shall go to the informer; and in prosecutions under this Section, the ownership of the cotton need not be alleged or proved.

Section 12. Any person who fraudulently packs, or bales any cotton, by plating or otherwise, must, on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Section 13. Any person who fraudulently exhibits any false exhibits any false samples of any cotton, or of any other articles or commodity, by means whereof any person is injured, must, on conviction, be fined not less than fifty dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than six months.

Section 14. Any person who removes, or aids in removing from this State, any cotton subject to the lien given by law for the purchase money, with intent to prevent, hinder, or delay the enforcement of such lien, must, on conviction, be imprisoned in the penitentiary for not less than one nor more than five years at the discretion of the jury.

Section 15. Any person, other than the purchaser, whether such person is the owner, in whole or in part, or warehouseman, or other persons, except the person purchasing for shipment, who shall remove or destroy the tag placed upon any bale of cotton by the ginner thereof, when said tag contains the name of the ginner, the name of the party for whom ginned, the gin weight, and the amount due for ginning, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than fifty dollars, which said fine shall be payable only in money.

Section 16. Every person, firm, or corporation, who gins cotton for hire or toll, shall keep a book in which they shall register all cotton received at their gins to be ginned in the name of the owner thereof; if known, and if not known, then the ginner shall make due and diligent inquiry of the person who delivers said cotton to be ginned, and record in his book the name of the owner as given, and the name of the person from whom

the cotton may be received, which book shall also show the date of ginning and the gin number of such bale, which gin number shall begin with number one at the opening of each ginning season, and continue consecutively for each bale ginned by any particular gin, to the close of the season; such register shall be kept open for the inspection of the public.

Section 17. Every person, who gins cotton in this State for hire or toll, shall mark or label in a legible manner, each and every bale ginned by them with the initial letters of the name of the owner and with the consecutive gin number.

Section 18. Any person, who violates any of the provisions of the two preceding sections, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten dollars, nor more than one hundred dollars.

Section 19. Any person engaged in buying cotton seed, and who also operates or owns a public ginnery, in this State, who shall charge any other or different price for ginning or ginning and wrapping cotton, to any person selling said person the seed out of his cotton from that price which said person charges for ginning or ginning and wrapping the cotton of a person who does not sell said person the seed out of his cotton, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars, and may also be sentenced to hard labor for the county for a period of not over six months.

Section 20. Any person or warehouseman, who shall willfully violate any of the laws of this State relating to the classification, stapling, or sampling of cotton, shall be guilty of a misdemeanor.

Section 21. Any person who shall engage in the traffic of seed cotton within the period beginning August 15th and ending December 15th without a license, or who shall fail to keep the book of record as provided by law, shall be guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one hundred dollars, or sentenced to hard labor for the county for a period not exceeding six months, or by both fine and hard labor, at the discretion of the trial judge of jury trying the case.

Section 22. Whenever cotton bought from a factor is removed by the purchaser, his agent, or broker, from the warehouse in which it is stored, to another warehouse, for the purpose of reweighing, resampling, or examining, and the same, or any part thereof, shall, after such reweighing, resampling, or examining, be rejected, the purchaser, his agent, or broker, must replace the cotton so rejected in the warehouse from which it was removed, in as good order as when it was removed there-

from, and pay all the costs attending such removal and replacing, and for all samples drawn.

Section 23. No more than six ounces of cotton shall be taken from any bale of cotton, under pretext of sampling the same; but after the sale of the cotton, and after the weight thereof has been ascertained and agreed upon, the buyer may take from the bale, at his own loss, six ounces more of cotton, for comparison with the sample by which he bought.

Section 24. Without the consent of the seller, cotton must not be removed from the place where it may be when sold, until the weight thereof has been ascertained.

Section 25. Persons engaged in buying or selling cotton must not pay, or contract to pay, for the sampling thereof, any other than a compensation in money.

Section 26. When cotton in bales is sent by a planter or other owner to a factor for sale, a warranty is implied on the part of such planter or owner to the factor, and the purchaser from such factor respectively, that such cotton is not fraudulently packed; and when cotton is sold by sample by the owner or his factor, that the sample has been fairly drawn, and that the cotton is not fraudulently packed, and no other warranty is thereby implied; and for any breach of such implied warranty, the purchaser may recover damages, either from the owner or factor selling the same; but not action can be brought for any breach of such last mentioned implied warranty, unless the suit is commenced within one year after such sale; but planters shall not be liable, in any way, for losses sustained by factors or commission merchants for having sold cotton by fraudulent or unfair samples, unless such loss was occasioned by plating or fraudulent packing of the cotton by such planter.

ARTICLE 33.

COTTON STANDARDS AND PUBLIC COTTON CLASSERS.

Section 1. The official cotton standards of the United States as established and promulgated from time to time by the Secretary of Agriculture of the United States, shall, while they are in effect, be the official cotton standards of this State on which all cotton, which is of, or within the grades of the said official standards, shall be sold in the State.

Section 2. It shall be unlawful, in, or in connection with, any transaction or transactions in commerce, subject to the jurisdiction of this State, or in any publication in this State for any person, firm, association or corporation to indicate the grade of any cotton which is of or within the grades of the said official cotton standards by any name, description, or designation or any system of names, descriptions or designations, not

used in said standards, but nothing in this Section will prevent the selling of cotton on types or samples.

Section 3. The Commissioner of Agriculture and Industries shall appoint three competent persons, who are licensed as graders of cotton by the Secretary of Agriculture of the United States and who are experienced staplers of cotton, who shall constitute a Board of Examiners, whose duty it shall be to examine applicants for license as public cotton classers. Said Board shall assemble at such times and places as they may be called together by the Commissioner of Agriculture and Industries for the purpose of examining applicants for license as public cotton classers.

Section 4. Applicants for license as public cotton classers, shall apply to said Board, through the Commissioner of Agriculture and Industries in such form as may be designated by him, and shall furnish evidence of their good moral character, and of the experience they have had in the grading and classing of cotton. At a meeting of the Board, said applicants shall be examined touching their qualifications as cotton classers, and shall show such a degree of proficiency as may be required by the Board, to entitle them to be appointed as public cotton classers. Those successful in the examination prescribed by the Board shall be issued a license as "Public Cotton Classer," which license shall be signed by the Board, and attested by the signature and seal of the Commissioner of Agriculture and Industries, and which may continue in full effect. Any licensed public cotton classer who is not engaged in the business of classing cotton during a year, dating from August the first to August the first, shall effect the cancellation of the license and be required to obtain a new license from the Commissioner of Agriculture and Industries before engaging in the business of cotton classing from and after the said date of one year's failure to class cotton. The Commissioner of Agriculture and Industries and the Board shall fix the amount of the examination fee not to exceed ten dollars to be paid by each applicant, which amount shall, after costs of postage and all necessary materials for the examination and issuance of license have been paid, be retained by the Board as their compensation, regardless of the success of the applicant in his examination; and the Board shall receive no compensation from the State.

Section 5. All public cotton classers may at any place within the State of Alabama engage in the business of public cotton classers authorized to class cotton generally and may charge for their services. From and after August first, 1921, no person shall be permitted to engage in business as a public cotton classer, classing cotton for the public generally, without holding a license as a public cotton classer. A license shall be issued

by the Commissioner of Agriculture and Industries to any person, without examination, who is licensed by the Secretary of the United States Department of Agriculture as a cotton classer, when evidence of such license is presented to the Commissioner of Agriculture and Industries, such license to extend only so long as the license issued and required by the Secretary is in effect. The provisions of this section relating to a license for cotton classing shall not affect the right of any one to class his own cotton, or of any cotton buyer or other person to class cotton purchased by him for himself, or purchased for another, but apply only to those who are engaged in the business of classing cotton generally for the public.

Section 6. Each public cotton classer shall keep a complete record of cotton classed, and for whom classed, in a well-bound book, and shall issue a certificate to each person showing the class of cotton classed by him. He shall also keep on hand a set of the United States Standard of Cotton Grades, and his books, records, and cotton standards, shall be open to inspection at all reasonable hours.

Section 7. The Commissioner of Agriculture and Industries may suspend or revoke any license issued under authority of the second preceding section whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify any bale of cotton correctly, or has violated any of the provisions of this chapter or of the rules and regulations prescribed hereunder, so far as the same may relate to him or that he has used his license or allowed it to be used for any improper purposes whatsoever. Pending investigation, the Commissioner of Agriculture and Industries whenever he deems necessary, may suspend a license temporarily without hearing.

Section 8. Before a license shall be issued to any person, he shall file a bond with the Commissioner of Agriculture and Industries in the sum of one thousand dollars which bond shall meet the approval of the Commissioner of Agriculture and Industries, and which shall be so conditioned as to bind its maker and his sureties to guarantee as approximately correct his work in classing and grading cotton, and the approximate correctness of each statement in every certificate of class and grade he may issue or cause to be issued. It shall also bond the maker and his sureties to fully and promptly indemnify any person who may sustain financial loss by reason of any false class or grade he may make, or by reason of any untrue or misleading certificate issued by him, or under his authority, with intent to defraud.

Section 9. A certificate of classification of cotton issued by any person licensed as a cotton classer under authority of this

article shall be accepted in all the courts of this State as prima facie evidence of the facts stated therein.

Section 10. All warehousemen shall obtain the grade and length of staple from a licensed cotton classer for the storer of any bale of cotton, who makes a written request for the grade and staple, and shall stamp same together with the license number of the classer, on the warehouse receipt of the cotton stored. The said storer shall bear the actual cost of the classing or of the classing and stapling of the cotton stored; and no licensed cotton classer shall charge more than twenty-five cents per bale classed or classed and stapled.

ARTICLE 34.

PUBLIC WAREHOUSES.

Section 1. All buildings, structures or other protected enclosures used for the storage of cotton or other articles of value, for compensation, are hereby declared to be public warehouses and all such warehouses shall be under the supervision of the Commissioner of Agriculture and Industries, whose duty it shall be to enforce the requirement of law relative to public warehouses.

Section 2. The proprietor, lessee, or manager of any public warehouse shall procure each year from the Judge of Probate of the county in which such warehouse is situated, a license permitting him to transact business as a public warehouseman for the storage of cotton or other articles of value, for compensation, under the laws of this State.

Section 3. Such license shall be issued by the Judge of Probate upon written application, verified by affidavit, which shall set forth the location and name of such warehouse and the name of each person interested as owner or principal in the management of the same; or if it be managed or controlled by a corporation, the names of the president, secretary and treasurer of such corporation shall be stated, together with the location of the principal office of such corporation. Such application shall also state the estimated value of the articles stored in such warehouse at the time, during the preceding twelve months, when the value of the articles stored was greatest.

Section 4. Such license shall give authority to carry on and conduct the business of a public warehouse for the storage of cotton or other articles of value for compensation in accordance with the laws of this State.

Section 5. Such license shall be revocable by the said Judge of Probate upon a legal proceeding before him for that purpose, upon the complaint of any person in writing, setting forth a

violation of law or setting forth that the warehouse building, structure, or protected enclosure is not reasonably suitable or adequate for the purpose for which it is used or intended; or setting forth that the business is conducted in such manner that the interests of persons who may store articles in such warehouse, are not properly safeguarded and protected. Upon satisfactory proof the statements in such complaint being made in such manner as may be directed by the Judge of Probate, such license shall be revoked by him.

Section 6. The person receiving a license under the provisions of this Article shall file with the said Judge of Probate, issuing said license, a bond, to be approved by said Judge, with some surety company that has complied with the laws of the State of Alabama as surety, and payable to the State of Alabama in sum equivalent to 5 per cent of the estimated value of the articles stored in the warehouse at the time, during the preceding twelve months when the value of the articles stored was greatest, but such sum shall in no event be less than five thousand dollars, nor shall it be greater than fifty thousand dollars. This bond shall be conditioned by the faithful performance of his or its duties as a public warehouseman for the storage of cotton or other articles of value for compensation during the period covered by said license.

Section 7. Such bond shall be filed and recorded by the Probate Judge of said county, in which the warehouse is located, in a suitable book to be kept for such purpose; and the probate judge shall receive for his services in recording said bond fifteen cents per hundred words, and for issuing the license shall receive the sum of fifty cents, and for approving the bond shall receive the sum of one dollar, to be paid by the person applying for the license before the issuance of the same. The Judge of Probate within ten days after issuing any license to a public warehouseman shall transmit a copy of the application for license, and a copy of the bond to the Commissioner of Agriculture and Industries.

Section 8. Any person aggrieved may sue on the said bond in his own name for the breach thereof until the penalty is exhausted.

Section 9. Every public warehouseman receiving property of any kind for safe keeping, for hire or reward, must on delivery to him or it of such property, issue in favor of the person from whom received, a receipt therefor, which shall comply with the requirements of the laws of this State.

Section 10. Any public warehouseman who has procured or may hereafter procure a license as a warehouseman, issued by the Secretary of Agriculture of the United States in accordance with the provisions of the Act of Congress known as the

United States Warehouse Act, shall be exempt from the provisions of Section 6 of this Article in regard to the execution of a bond, so long as such license issued in accordance with the laws of the United States remains in full force and effect.

ARTICLE 35.

UNIFORM LAW OF WAREHOUSE RECEIPTS.

Section 1. Warehouse receipts may be issued by any warehouse.

Section 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed forms—(1) The location of the warehouse where the goods are stored; (2) the date of issue of the receipt; (3) the consecutive number of the receipt; (4) a statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order; (5) the rate of storage charges; (6) a description of the goods or of the packages containing them; (7) the signature of the warehouseman, which may be made by his authorized agent; (8) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and (9) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman, or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred, and the purpose thereof, is sufficient. A warehouseman shall be liable to any person injured thereby, for all damages caused by the omission from a negotiable receipt of any the terms herein required.

Section 3. A warehouseman may insert in a receipt issued by him, any other terms and conditions, provided such terms and conditions shall not (1) Be contrary to the provisions of this Article. (2) In any wise impair his obligation to exercise that degree of care in the safekeeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Section 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Section 5. A receipt in which it is stated that the goods received will be delivered to the bearer or to the order of any person named in such receipt is a negotiable receipt. No pro-

vision shall be inserted in a negotiable receipt that is non-negotiable. Such provision if inserted, shall be void.

Section 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable" or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable. This Section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Section 8. A warehouseman, in the absence of some lawful excuse provided by this Article, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with (1) An offer to satisfy the warehouseman's lien. (2) An offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt, and (3) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman. In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

Section 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following Sections, to one who is (1) The person lawfully entitled to the possession of the goods, or his agent; (2) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper; (3) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order, or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt, or by his mediate or immediate indorsee.

Section 10. When a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them,

the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized in subdivision 2 and 3 of the preceding Section and though he delivered the goods as authorized by said subdivisions he shall be liable, if prior to such delivery he had either (1) been requested by or on behalf of the person lawfully entitled to a right of property or possession in the goods not to make such delivery, or (2) had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Section 11. Except as provided in Section 41, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Section 12. Except as provided in Section 41, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipts, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipts, whether such purchaser acquired title to the receipt before or after the delivery of any portion of goods by the warehouseman.

Section 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was (1) immaterial; (2) authorized, or (3) made without fraudulent intent. If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration. Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Section 14. Where a negotiable receipt has been lost or damaged, a court of competent jurisdiction may order the delivery

of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding.

Section 15. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

Section 16. The delivery of the goods under an order of the court as provided in this article shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Section 17. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and a warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Section 18. No title or right to the possession of goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Section 19. If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, which ever is appropriate, require all known claimants to interplead.

Section 20. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him, or to the adverse claimant until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Section 21. Except as provided in the two preceding Sections and in Sections 9 and 41, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Section 22. A warehouseman shall be liable to the holder

of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Section 23. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods, which could not have been avoided by the exercise of such care.

Section 24. Except as provided in the following Section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

Section 25. If authorized by agreement, or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Section 26. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Section 27. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in possession of the warehouseman, be attached for garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Section 28. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attach-

ing such receipt or in satisfying the claim by means thereof as is allowed at law in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Section 29. Subject to the provisions of Section 32, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage, and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Section 30. Subject to the provisions of Section 32 a warehouseman's lien may be enforced against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and (2) against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of deposit to one who took the goods in good faith for value would have been valid.

Section 31. A warehouseman loses his lien upon goods (1) by surrendering possession thereof, or (2) by refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this Article.

Section 32. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt unless the receipt expressly enumerates other charges for which a lien is claimed. In such case, there shall be a lien for the charges enumerated so far as they are within the terms of Section 29 although the amount of the charges so enumerated is not stated in the receipt.

Section 33. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Section 34. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Section 35. A warehouseman's lien for a claim which has become due may be satisfied as follows: The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall

be given by delivery in person or by registered mail addressed to the last known place of business or abode of the person to be notified. The notice shall contain (1) an itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due. (2) A brief description of the goods against which the lien exists. (3) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and (4) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

Section 36. In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in a place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

Section 37. From the proceeds of such sale, the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

Section 38. At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien, and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this article, to the possession of the goods on payment of charges thereon. Otherwise the ware-

houseman shall retain possession of the goods according to the terms of the original contract of deposit.

Section 39. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, breakage inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale, without advertising. If the warehouseman, after a reasonable effort, is unable to sell such goods, he may dispose of them in any lawful manner and shall incur no liability by reason thereof. The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding Sections.

Section 40. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Section 41. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

Section 42. A negotiable receipt may be negotiated by delivery—(1) where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or (2) where, by the terms of the receipt the warehouseman undertakes to deliver the goods to the order of a specified person and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer, where, by the terms of a negotiable receipt the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case, the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

Section 43. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer, or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of

such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

Section 44. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

Section 45. A negotiable receipt may be negotiated—(1) by the owner thereof, or (2) by any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt be in such form that it may be negotiated by delivery.

Section 46. A person to whom a negotiable receipt has been duly negotiated acquires thereby—(1) such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and (2) the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Section 47. A person to whom a receipt has been transferred but not negotiated acquires thereby, as against the transferor the title of the goods, subject to the terms of any agreement with the transferor. If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Section 48. Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Section 49. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt, unless a

contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Section 50. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants; (1) that the receipt is genuine. (2) That he has a legal right to negotiate or transfer it. (3) That he has knowledge of no fact which would impair the validity or worth of the receipt, and (4) that he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Section 51. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Section 52. A mortgagee, pledgee, or holder for security of a receipt who in good faith demands or receives payment of the debt for which receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt, or the quantity or quality of the goods therein described.

Section 53. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

Section 54. Where a person having sold, mortgaged, or pledged goods which are in a warehouse, and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Section 55. Where a negotiable receipt has been issued for goods, no sellers' lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior

or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transit. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Section 56. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues, or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Section 57. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 58. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word, "duplicate" except in the case of a lost or destroyed receipt after proceedings as provided for in Sections 14, 15, and 16, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

Section 59. Where there are deposited with or held by warehousemen goods of which he is the owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants, who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 60. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in Sections

14, 15, 16 and 41, be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Section 61. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage must on conviction be punished as if he had stolen the same.

Section 62. In any case not provided for in this Article, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Section 63. This Article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 64. (1) In this Article, unless the context or subject matter otherwise requires—"action" includes counter claim, set off and suit in equity. "Delivery" means voluntary transfer of possession from one person to another. "Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit. "Goods" means chattels or merchandise in storage, or which has been or is about to be stored. "Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein. "Order" means an order by indorsement on the receipt. "Owner" does not include the mortgagee or pledgee. "Person" includes a corporation or partnership or two or more persons having a joint or common interest. To "purchase" includes to take as mortgagee or as pledgee. "Purchaser" includes mortgagee and pledgee. "Receipt" means a warehouse receipt. "Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor. "Warehouseman" means a person lawfully engaged in the business of storing goods for profit. (2) A thing is done in "good faith" within the meaning of this Article when it is in fact done honestly, whether it be done negligently or not.

Section 65. The provisions of this Article do not apply to receipts made and delivered prior to the 25th day of September, 1915.

Section 66. This Article may be cited as the Uniform Warehouse Receipts Act.

ARTICLE 36.

LIMESTONE.

Section 1. With the approval of the Governor, the State Board of Agriculture is hereby authorized and directed, for the purpose of furnishing marl or ground limestone to the farmers of the State, to make such arrangements as they deem advisable for this purpose, and to this end may lease or purchase oyster shells in large quantities and beds of limestone, and erect machinery suitable for the preparation of the material for use by the farmers; and any lime so prepared and any by-product shall be sold for agricultural purposes to the citizens of the State at a cost which shall produce an amount for money sufficient to maintain and operate the plant.

Section 2. With the approval of the governor, when requested by the State Board of Agriculture, the Superintendent of the Penitentiaries may furnish a superintendent with a squad of convicts for such work as the Commissioner of Agriculture and Industries, with the authority of the Board, may deem necessary to mine, prepare, load and dispose of the material. The State Board of Agriculture shall pay the State quarterly such amount as shall be agreed upon by the Superintendent of the Penitentiaries and the State Board of Agriculture for their work, out of the proceeds of the sales, and the State shall guard, feed, clothe and work the convicts.

Section 3. The State Board of Agriculture is authorized to make all regulations necessary to execute the provisions of this Article and shall report annually to the Governor and furnish him itemized statements of the receipts and expenditures, which shall be published.

Section 4. All pulverized limestone and marl, or mixtures of same with inert materials, sold for agricultural purposes in Alabama, shall have the analyses guaranteed by the manufacturers.

Section 5. These analyses shall show the percentage of calcium carbonate and the percentage of magnesium carbonate in the finished product.

Section 6. Limestone or marl offered or exposed for sale to the farmers of Alabama for agricultural purposes must show the minimum and maximum percentage of (a) total lime (calcium oxide), (b) total magnesia (magnesium oxide), (c) lime, combined as carbonates (calcium carbonate), (d) magnesia, combined as carbonates (magnesium carbonates), (e) lime sulphate (in gypsum or land plaster); and the several constituents shall be determined by the methods adopted by the association of official agricultural chemists.

Section 7. All pulverized limestone (except shell marl) offered or exposed for sale to the farmers of Alabama for agricultural purposes shall be ground to a sufficient degree of fineness to pass a screen of not less than fourteen meshes to the linear inch.

Section 8. All manufacturers of ground limestone and marl who shall offer any of their goods for sale in this State shall annually register with the Commissioner of Agriculture, along with a statement of the analysis of the finished product, a statement showing the name and general average composition of the raw material—limestone, aolithic limestone, marl, etc., from which the finished product is manufactured.

Section 9. The State Board of Agriculture is hereby authorized, empowered and directed to inspect any and all quarries, grinders, and other places of manufacture, as well as any and all consignments of pulverized limestone and marl shipped into Alabama for agricultural purposes, with a view to enforcing the provisions of this Article.

Section 10. All persons or firms failing to register their goods before the first of July each year, or failing to comply with the provisions of this Article, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than ten nor more than fifty dollars for the first offense, and not less than one hundred dollars for each subsequent offense.

ARTICLE 37.

LIVE STOCK, POWERS OF STATE BOARD OF AGRICULTURE RELATING THERETO.

Section 1. The powers and duties of the Live Stock Sanitary Board, as established and provided for by Chapter 22, Article 4, of the Code of 1907, and as subsequently amended, and transferred by Article 4, of this Act, to the State Board of Agriculture, created by Article 2, Section 2 of this Act, (and the provisions thereof), are hereby revised and amended to read as hereinafter provided in this Article.

Section 2. The State Board of Agriculture shall have full power to make or enact such rules and regulations as may be deemed necessary for governing the movement, transportation, or disposition of live stock that may be quarantined as hereinafter provided on account of being affected with, or exposed to, a contagious, or communicable disease, or on account of being infected or infested with the carrier or carriers of the cause of a contagious, infectious or communicable disease of live stock. The rules and regulations purporting to be published by authority of the State Board of Agriculture in book or pamphlet form,

shall be received as evidence of the passage and legal publication of such rules and regulations as of the date mentioned or provided for therein, in all courts and places without further proof. A copy of said rules and regulations shall be furnished by the Commissioner of Agriculture and Industries to all probate judges immediately after their adoption by the State Board of Agriculture.

Section 3. The State Board of Agriculture may make rules and regulations governing the manufacture, sale, distribution, handling and keeping and use of all veterinary, biological products and serums and also the disposal of dead carcasses, infectious, and toxic meats and feeds.

Section 4. The Dean of the Veterinary College of the Alabama Polytechnic Institute shall be the State Veterinarian of Alabama and shall receive the same compensation and expenses as now provided by law, and he shall exercise all the powers vested in the Commissioner of Agriculture and Industries in the enforcement of the provisions of this Article.

Section 5. The State Veterinarian shall, with the advice of the State Board of Agriculture, nominate, and, when approved by said board, shall appoint as many assistant State veterinarians and State live stock inspectors as they may deem necessary and as the funds at their disposal shall permit.

Section 6. The State Veterinarian, or an assistant veterinarian, or State live stock inspector, shall quarantine a stall, lot, yard, pasture, field, town, city, township, county, or any part of the State of Alabama, when he shall determine the fact that live stock in such place or places are infected with a contagious, infectious, or communicable disease, or when said live stock are infested or infected, with the carrier or carriers, of a contagious, infectious or communicable disease. The State Veterinarian, or an assistant veterinarian, or live stock inspector, shall issue written or printed notice of the establishment of said quarantine to the owners or keepers of said live stock, and to any officer or agent of a railroad, steamboat, truck, or other transportation companies doing business in or through the quarantined part or parts of the State, which notice must be executed by the State Veterinarian, or assistant veterinarian, or by any live stock inspector, by leaving a copy of said notice with the owners or keepers of said live stock, and with any officer or agent of a railroad, steamboat, truck, or other transportation company doing business in or through the quarantined part or parts of the State, and shall return the fact of such service on the original notice. Said original notice and return thereof shall be received as evidence of its legal service thereof on the dates mentioned therein in all courts, proceedings and places without further proof.

Section 7. No railroad company, or the owners or masters of any steam or other vessel or boat, or other transportation company, shall receive for transportation or shall transport live stock from any quarantined district into any other part of Alabama, except as hereinafter provided. No person, company or corporation shall deliver live stock for transportation to any railroad company or sailing or steam vessel or boat, or other transportation company, in a quarantined district of Alabama, except as hereinafter provided. No person, company or corporation shall drive or cause to be driven live stock on foot, or transport live stock in a private conveyance, or cause live stock to be transported in a private conveyance from a quarantined district to a non-quarantined part of Alabama, except as hereinafter provided. Live stock may be moved within the limits of a quarantined district or from a quarantined district in Alabama only under and in compliance with the rules and regulations of the State Board of Agriculture. It shall be unlawful to move or allow to be moved any live stock from one place to another within the limits of a quarantined district or from a quarantined to a non-quarantined district of Alabama, in any other manner or method, or under any conditions other than prescribed by the rules and regulations of the State Board of Agriculture.

Section 8. All live stock, when brought into Alabama by a person, company or corporation, railroad or other transportation companies, shall be accompanied by a certificate of health, and said certificate shall state that said animal or animals are free from contagious, infectious or communicable disease, and the carrier or carriers, of the cause or causes of such diseases. This certificate must be made by a qualified veterinarian immediately after he has personally examined the live stock and before the live stock have been shipped into Alabama. This certificate shall be attached to, and accompany, the shipping bill of the live stock to the place to which the live stock are shipped, and the owner of the live stock, or agent of the transportation company shall mail or send said certificate to the State Veterinarian immediately following the arrival of the live stock at its place of destination. The State Veterinarian shall furnish qualified veterinarians with blank health certificates at actual cost.

Section 9. Owners, renters or parties in possession of quarantined live stock or quarantined places shall follow the directions in the rules and regulations of the State Board of Agriculture in cleansing and disinfecting infected live stock and infested or infected quarantined places, and in destroying the carriers of the cause of a contagious, infectious or communicable disease, the infested, or infected, live stock and quarantined

places. Said cleaning of said live stock and the disinfecting of said places, and destroying of said carriers, shall be done by the owners or the persons, in possession of the infected or infested live stock and places, in a reasonable time after receiving a written or printed notice from the State Veterinarian, and assistant State Veterinarian or a live stock inspector.

Section 10. The State Veterinarian, the Assistant State Veterinarian, and the State live stock inspectors, may enter upon the premises or into any barns or other buildings where live stock are kept or found in the State of Alabama in the discharge of the duties prescribed in this Article. No person, or persons shall, assault, resist, oppose, prevent, impede, or interfere with the State Veterinarian, an assistant State veterinarian or a State live stock inspector in the execution of his or their duties, or on account of the execution of his or their duties.

Section 11. The work of suppression or eradication of any infectious, contagious, or communicable disease of live stock shall be taken up under the provisions of this Article in any county or any part of a county or any part of the State of Alabama, when the State Board of Agriculture deem it best. The county commissioners of any county in which the State or Federal authorities take up the work of tick eradication or the suppression of any infectious, contagious, or communicable disease of live stock, may appropriate for aiding in such work, such sums as the county commissioners may deem adequate and necessary.

Section 12. The State Board of Agriculture may appoint or elect the federal veterinarians and live stock inspectors who are doing work in Alabama, as assistant State veterinarians and State live stock inspectors, provided they consent to act without pay from the State of Alabama.

Section 13. The judges of the circuit courts shall give the preceding sections in special charge to each grand jury empannelled in this State, and such grand jury shall be clothed with, and authorized to, exercise inquisitorial powers for the carrying out and enforcement of this article.

Section 14. The State Board of Agriculture shall make an annual report to the Governor of Alabama, giving a full account of the work done and a detailed report of the money expended.

Section 15. State-wide tick eradication shall be taken up in all counties that shall be at any time partially or completely tick infested, under the State Board of Agriculture as herein-after provided in this article, and as provided in all other laws or parts of laws of Alabama not in conflict with this article.

Section 16. The county commissioners or county board of revenue of each county in Alabama shall provide or install or build, in their respective counties, the necessary number of con-

crete dipping vats and also provide the necessary chemicals, solutions and all other materials required for making, filling, replenishing and operating the required number of dipping vats. Each county shall furnish all the materials required for keeping the required vats filled with a standard tick killing arsenical dip having the composition and strength as required by the regulations of the State Board of Agriculture, and of the United States Bureau of Animal Industry.

Section 17. The required number of dipping vats in a county shall be determined by the State Veterinarian and the State and federal inspectors in charge of tick eradication in the county. Any person who already has a dipping vat shall be allowed to use same for dipping his own or neighbor's cattle under the supervision of the regular authorities.

Section 18. The county commissioners or county board of revenue in each county shall pay a reasonable salary to as many inspectors as shall be required in the county, and the required number to guard county lines, look after isolated vats, quarantined ranges, and premises and quarantined cattle. The inspectors paid by the county shall be determined and appointed and commissioned by the State Veterinarian with the advice and approval of the State Board of Agriculture, as State inspectors, and they shall work under the direction of the State Veterinarian, or the State and federal inspector in charge of the county.

Section 19. Every person, firm, company or corporation having in possession or in charge as owner, agent or otherwise one or more cattle in a tick infested or quarantined county or on a tick infested or quarantined premises, range, farm or pasture, that has not been released from State and federal quarantine, shall dip the cattle regularly once every two weeks on the day and at the vat specified by the inspector in charge of the vat most convenient or nearest to the cattle. The live stock inspector shall issue one printed or written dipping notice to the person or persons in charge or in possession of the cattle and shall serve said notice by leaving a copy of said notice with the person or persons in charge of or in possession of the cattle and shall make a return of said service on the original of said notice and the serving of said dipping notice shall be legally sufficient to require the owner, agent, firm or person in charge to dip the cattle regularly every two weeks until released from quarantine, and said original dipping notice and the endorsement of the service thereon shall be received as evidence of the service thereof on the date mentioned therein in all courts, proceedings, and places, without further proof,

Section 20. All horses, mules and asses kept in tick infested lots, pens, pastures, or ranges shall be dipped regularly every

two weeks, in the same way and under the same requirements as for cattle, until released from State or federal quarantine.

Section 21. All stray cattle, horses, mules and asses running at large, or quarantined on tick infested ranges, commons, pastures, or fields, if such cattle, horses, mules, and asses have not been dipped as provided herein shall be taken up by the sheriff, any constable or live stock inspector, quarantined and dipped regularly once every two weeks and fed and cared for at the expense and risk of the owner of the animals. The sheriff, any constable or live stock inspector, shall apply to any justice of the peace to have the animals condemned as strays and sold at public auction. The justice of the peace shall post notices of the sale of the animals in three public places in the precincts where the stock is taken up and in one county paper, if one is published in said county, giving the time and place of the sale and the sale shall not be made until ten days after the notices have been posted and printed. The proceeds of the sale shall go to pay all the costs of taking up, feeding, confining, selling and dipping, and if there be a balance it shall go into the county treasury to be applied on tick eradication. Every one of the animals mentioned in this section whose owner cannot be found by the inspector shall be regarded as a legal stray and subject to the provisions of this article. The owner may redeem the animal within thirty days after sale by proving ownership to the court and paying the purchase price and all cost.

Section 22. No ticky cattle, horses, mules, or asses shall be driven, moved or transported in any way into Alabama.

Section 23. The county commissioners or county board of revenue in a county released from State or federal quarantine shall provide and pay a reasonable salary to one or more inspectors or as many inspectors as shall be required to guard exposed county boundary lines, to look after local quarantined premises, ranges, pens, lots, pastures, or fields, and, when necessary, supervise the filling and replenishing of dipping vats, the dipping of quarantined cattle, horses, mules or asses. When a county becomes re-infested with tick, that county shall pay the expenses of disinfection of all infested places, premises, ranges and cattle under the direction of the State veterinarian or a State inspector according to law and the regulations of the State Board of Agriculture.

Section 24. All cars in which animals are transported in Alabama, shall be cleaned and disinfected at the expense of the railroad company after each time of use or before the cars are used to transport other animals.

Section 25. If any court of county commissioners or board of revenue of a county shall refuse to make adequate appropriations, or provisions to execute in good faith this law, any State

inspector or owner of cattle, may apply to a circuit judge for a writ of mandamus to compel a faithful compliance with this and all other laws cognate thereto, and the judge shall hear the application at any time, or place where he may be, after one day's notice to the court or board, and a failure to obey promptly the command of the writ shall be a misdemeanor, as well as a contempt.

ARTICLE 38.

STOCK BREEDERS PROTECTION AGAINST BOGUS OR FRAUDULENT PEDIGREES.

Section 1. In order to protect farmers in this State against damage resulting from breeding to sires advertised with bogus or fraudulent pedigrees, and to secure to the owners of sires payment for service, the following provisions are enacted: That every owner of a sire charging a service fee, in order to have a lien upon the get of any such sire under the provisions of this Article for said service, shall file a statement, verified by oath or affirmation to the best of his knowledge and belief, with the Commissioner of Agriculture and Industries, giving the name age, description and pedigree, as well as the terms and conditions upon which such sire is advertised for service.

Section 2. The Commissioner of Agriculture and Industries, upon the receipt of the statement as specified in Section 1 of this Article, duly verified by affidavit, shall issue a certificate to the owner of said sire, a copy of which certificate shall be forwarded to the probate judge of the County Court in which said sire is stationed or located, and another copy furnished the applicant, which shall be posted by the owner in a conspicuous place where said sire may be stationed, which certificate shall state the name, age, description, pedigree and ownership of said sire, the terms and conditions upon which the sire is advertised for service, and that the provisions of this Article so far as relates to the filing of the statement aforesaid, have been complied with.

Section 3. The owner or owners of any sire receiving such certificate by complying with Section 1 of this Article, shall obtain and have a lien upon the get of any such sire for the period of one year from the date of birth of get.

Section 4. No get of any such sire shall be exempt from levy and sale under execution issued upon a judgment obtained in any court of competent jurisdiction for said service.

Section 5. The State Board of Agriculture is authorized to fix a charge for such certificate, not to exceed two dollars, as may be necessary to cover the expense incident to the executing the provisions of this Article.

Section 6. The Commissioner of Agriculture and Industries shall have such a number of the annual reports printed and bound as may be deemed advisable by the State Board of Agriculture to obtain the greatest benefit to the breeders of improved stock in this State, under the provisions of this Article said reports to contain copies of certificates issues, and such other data of special interest to livestock breeders as said Board of Agriculture may designate for publication therein.

Section 7. Any person, who by false pretense, shall obtain from any club, association, society or company for improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the herd registered, or other register of any such club, association, society or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, upon conviction thereof, shall be fined not exceeding \$1,000, nor less than \$25.00, or imprisonment in the county jail, for a period not exceeding one year, or both, in the discretion of the court.

ARTICLE 39.

ESTRAYS.

Section 1. Any person in this State finding any horse, mule, jack, jennet, cattle, hog, sheep, goat, or other live stock, running at large on his lands or premises, or on the lands or premises of which he has charge, the owner of which is unknown, may take such animal up as an estray.

Section 2. It shall be the duty of such person taking up an estray, as defined in the preceding Section, to, within three days thereafter, give notice in writing to a justice of the peace of the precinct in which such estray was found, giving a description stating the kind, size, mark, color and approximate age of each such estray.

Section 3. Such justice of the peace must file such notice in a book to be kept by him for that purpose, and he may post a notice in three public places in the precinct stating that such estray has been taken up, giving a description of each such estray, the name of the taker, and the place, day and time such estray will be sold, as provided herein, provided such time of sale shall be at least thirty days after posting the notice as required herein.

Section 4. If the owner of such estray shall claim the same before such sale, upon satisfactory evidence of ownership and the payment of all reasonable costs of taking up, notice, care,

and justice fees, the taker shall, upon written order of the justice of the peace, deliver the estray to the owner thereof.

Section 5. Upon the failure of the owner, or his agent, to claim such estray, the justice of the peace shall, at the place and time stated in the posted notice, sell such estray at public outcry, to the highest bidder for cash, when title to such estray shall vest in said successful bidder.

Section 6. The proceeds of such sale shall be applied: First, to the reasonable cost of taking up and care of such estray to the taker. Second, to the payment of the justice of the peace for his fee, which shall not exceed one dollar for each estray, and shall for any number of estrays listed in one notice, or sold, as provided herein, not exceed five dollars. The balance shall be paid to the treasurer of the county and by him placed in the general fund of such county.

Section 7. If, within one year after the sale, as provided herein, the owner of such estray shall file a claim with the Court of County Commissioners, or court of like jurisdiction, and furnish satisfactory evidence of previous ownership of such estray, and shall pay all costs of taking up, care and fees for the sale of such estray, the Court of County Commissioners, or court of like jurisdiction, shall issue an order on the County treasurer for the amount certified to the treasurer, and it shall be the duty of the treasurer to pay such amount to the owner upon such order.

ARTICLE 40.

DRAINAGE.

Section 1. The purposes of this article are to promote the public health, convenience and welfare by leveeing, ditching and draining the wet, swamp and overflowed lands of the State of Alabama; to provide for the establishment of levee or drainage districts and sub-districts thereof, for the purpose of enlarging or changing any natural watercourses and for digging ditches or canals for securing better drainage or providing better outlets for drainage; to provide for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed lands, and prescribing a method for so doing; to define offenses against drainage districts and providing penalties therefor; to confer the right of eminent domain to the extent necessary to carry out the purposes of this article; to provide for the assessment and collection of the costs and expenses of installing drainage systems and issuing and selling bonds therefor, and for the care and maintenance of such improvements when constructed, not in excess of the increased

value of such property by reason of the special benefits derived from such improvements; to confirm and validate proceedings had (prior to the approval of this Act) and bonds issued under the provisions of the Drainage Act approved March 4, 1915; and to continue the pending processes under the Act approved March 4, 1915 by conforming them to the processes and proceedings prescribed by provisions therefor made in this article.

Section 2. The Court of Probate of any county of the State of Alabama shall have jurisdiction, power and authority to establish drainage districts as hereinafter provided; and to locate and establish levees, drains, or canals; and cause to be constructed, straightened, widened, or deepened, any ditch, drain or watercourse; and to build levees or embankments, construct outlets, and erect tide gates, flood gates and pumping plants, for the purpose of draining and reclaiming wet, swamp, or overflowed lands; and it is hereby declared that the drainage of surface water and the reclamation of wet lands, swamp lands, overflowed lands, and tidal marshes, shall be considered a public benefit and conducive to the public health, convenience, utility and welfare.

Section 3. The Court of Probate shall keep a complete record of all its proceedings under this Article in a book to be used for the purpose only. The book shall be designated as the "Drainage Record, of.....County, Alabama," and shall also have recorded therein all bond orders, papers, proofs of publication, auditors and drainage commissioners reports, documents, bonds and plats filed in any drainage proceedings in the Probate Court of that county, except the Drainage Tax Record and the Drainage Tax Books.

Section 4. Whenever a petition praying for the organization of a drainage district, and signed by a majority of the land owners owning more than one-third of the land in acreage in a proposed district, or by at least one-third of the persons owning more than half of the land in acreage in a contiguous body of wet, swamp, or overflowed land, or land subject to overflow, shall be filed with the Court of Probate of such county in which such lands are located or if such lands be composed of tracts or parcels situated in two or more counties then in the office of the Court of Probate of the county in which there is situated more of said lands than in any other county said petition setting forth that any specific body or district of land in the county, or county and adjoining counties, described in such a way as to convey an intelligent idea as to location of such land, is subject to overflow or too wet for cultivation or other use, and that the public benefit or utility, or the public health, convenience or welfare will be promoted by drainage, ditching or leveeing the same, or by changing or improving the natural

water courses, or by the installation of tile systems, pumping plants, tide gates or any other methods of drainage or flood control, it shall be the duty of the Court of Probate forthwith to appoint a competent civil or agricultural engineer, experienced in drainage engineering, provided that whenever the owners of a majority in acres of the land comprising the district petition the court for the appointment of any person qualified under this law to act as engineer, it shall be the duty of the court to appoint such engineer. The court shall determine the rate of compensation to be paid the engineer for preliminary surveys and report and shall provide funds for payment of engineering and other expenses incidental to the proceedings, as hereinafter provided. The engineer so appointed shall after making the necessary examination and survey, report to the court: (1) the boundaries of the region which will be benefited by the work necessary to accomplish the purpose of the petition; (2) a description of the area that in the opinion of the engineer will be benefited, according to legal or recognized subdivisions; (3) whether such work will be conducive to the public health, safety, convenience or welfare; (4) the general plan necessary to accomplish the drainage; (5) a map showing the territory that should be included in said district, and in a general way, the location and nature of the tentative improvement proposed; and (6) an approximate estimate of the cost of the proposed improvements. No land owner having signed the petition for the formation of a levee or drainage under this act shall have his name stricken from such petition without the written consent of the owners of a majority of the acreage owned by those signing said petition.

Section 5. Immediately upon the filing of the report of the engineer, it shall be the duty of the Court of Probate to forthwith give notice thereof by causing publication to be made as hereinafter defined and the following form shall suffice: Notice of Petition For The Organization Of A Drainage District. Notice is hereby given to all persons interested in the following described lands in.....County, State of Alabama: (Here describe the lands as set out in the preliminary survey of the engineer on file with this court), that a petition has been filed with this Court signed by a majority of the persons owning at least one-third of the land or by at least one-third of the persons owning more than one-half of the aforementioned land, asking that the aforementioned and described lands be organized into a drainage district under the provisions of Article 40 of an Act of the Legislature of the State of Alabama, Session of 1923, known as the "Agricultural Code of Alabama," and that the lands above described will be affected by the formation of said district and be rendered liable

to taxation for the purpose of constructing and maintaining the improvements that may be found necessary in said district, and you and each of you are hereby notified to appear at a term of the Court of Probate to be held on the..... day of....., 19..... at..... o'clock in..... County, and show cause, if any there be why the aforementioned and described lands should not be organized as a drainage district. Probate Judge of..... County.

Section 6. The Court of Probate of the county in which said petition is filed shall thereafter maintain and have original and exclusive jurisdiction co-extensive with the boundaries and limits of said district without regard to county lines for all purposes of this Article, subject, however, to the right of appeal to the Circuit Court of the county in which the petition is filed.

Section 7. Any owner of real property in said proposed district who wishes to object to the organization and incorporation of said district shall on or before 12 o'clock, (noon) of the day set for the causes to be heard file his objection in writing stating why such district should not be organized and incorporated. On the day appointed for the hearing, the Court shall hear and determine in a summary manner any objection that may be offered to the sufficiency of the petition or to the report of the engineer. If it appear that there is any land within the proposed district that will not be benefited by the proposed improvement thereof, such lands shall be excluded; and if it shall be shown that there is any land without the proposed district that will be benefited by the construction of the proposed levee or drains the boundaries of the district may be so changed as to include such lands and such owners of additional lands shall be made parties to the proceedings and notice to the owners of such additional lands shall be given by publication as hereinbefore provided, or by personal service, and the hearing shall be continued to a date to be fixed by the Court, upon which date the objections, if any are filed to the inclusion of additional lands, shall be adjudicated and such additional lands as may be adjudged benefited by said improvements shall thereupon be included within the proposed district. If it further appear that the purpose of this Article would be subverted by the creation of the proposed drainage district, the Court shall, after disposing of objections as justice and equity require by its findings duly entered of record, adjudicate all questions of jurisdiction, declare the district organized as a body corporate, giving it a corporate name by which in all proceedings it shall thereafter be known, with all the powers of a public corporation, with power to sue and to be sued, to incur debts, liabilities and obligations, to exercise the powers of eminent domain for the purpose of securing adequate outlets and such other rights-of-way as may

be necessary to carry out the intentions of this Article and the right of assessment as herein provided, to issue bonds, and to do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purpose for which the district was created and for executing the powers with which it is invested. If the Court at the final hearing shall find against the sufficiency of the petition or the improvement it shall dismiss the petition and proceedings at the cost of the petitioners and shall issue an itemized bill of all costs and expenses, which itemized statements of costs and expenses shall have the full force and effect of a judgment and constitute a lien upon the lands of the petitioners within said proposed district, which liens shall be of equal dignity with the lien for general state, county, city, village, school and road taxes, and the court shall forthwith order the levying and collection of a uniform acreage tax on all of the lands included in the petition owned by the petitioners for organization to meet the expenses incurred, and such tax shall be due and payable as soon as levied, and if not paid by the 31st day of December in the year in which it is levied, the same shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes.

Section 8. The order of the Court of Probate establishing said district shall have all the force of a judgment and the court shall forthwith levy a uniform tax of not more than fifty cents (50c) per acre upon each acre of land within such district to be used for the purpose of defraying the expenses incurred in establishing said district or to be incurred in organizing said district, making surveys of the same, and assessing benefits and damages and to pay other expenses necessary to be incurred before the Board of Commissioners hereafter provided for shall be empowered by the subsequent provisions of this Article to provide funds to pay the total costs of works and improvements of the district. In case the boundaries of the district be extended under subsequent divisions of this Article so as to include land and other property not contained within the district as organized by order of the Court of Probate in the first instance the same uniform tax shall be made on such lands as soon as the same shall have been annexed and included in the district. Such tax shall be due and payable as soon as levied and if not paid by the thirty-first day of December in the year in which it is levied, shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state

and county taxes. This tax shall be a lien, equal in dignity with the lien for general state and county taxes on the land against which it is levied from the time the levy is made. In case the sum raised from such levy exceeds the total cost of items for which the same has been levied the surplus shall be placed in the general funds of the district and used to pay the cost of construction.

Section 9. Upon the organization of the district the Court of Probate shall appoint three drainage commissioners to be designated "Board of Drainage Commissioners," who shall have control of the affairs of the district, and each drainage commissioner, shall be an owner of real property within the district, and shall be over twenty-one years of age, and at least one of them shall be a resident of the county in which the proceedings are held. Whenever the owners of a majority in acres of the land comprising a district petition the Court for the appointment of any person qualified under this law to act as a drainage commissioner, it shall be the duty of the Court to appoint such person or persons, but in the absence of such petition it shall be the duty of the Court to appoint some competent person or persons. Each of these drainage commissioners shall take the oath of office as declared by the constitution of the State and shall also swear that he will not directly or indirectly be interested in any contract made by the Board of Drainage Commissioners, save and except so far as he may be benefited as a land owner in common with other land owners by the works constructed. Any drainage commissioner failing to take oath within thirty days after his appointment, or failing to give bond in the sum of not less than one thousand dollars (\$1,000) to be fixed by the court, shall be deemed to have declined to act as drainage commissioner and his place shall be filled by the Court. The said Board of Drainage Commissioners shall adopt a seal for the district and they may from time to time make such by-laws, rules, regulations and orders, and change the same, as they may deem proper and not inconsistent with this Article and the laws of the State, for the purpose of carrying into effect the object of their incorporation. They shall elect from their own number a president and secretary and appoint and employ such other officers, engineers, attorneys, and agents, and employ such persons, as they may deem necessary for the efficient management of their business, and may remove them at pleasure. The drainage commissioners appointed as aforesaid shall hold their offices, one for two years, one for four years, and one for six years from the date of their appointments and until their successors are appointed and qualified. The court shall indicate the term of office of each drainage commissioner and on the expiration of their terms of office their successors shall be appointed in like

manner for the term of six (6) years thereafter. Said Board of Drainage Commissioners shall hold their meetings at any time and place in the county or counties in which any part of the district is situated upon the call of the president, or the president shall call a meeting when petitioned by a majority of the members of said board; provided that an annual meeting of said Board of Drainage Commissioners shall be held at the office of the Judge of Probate having jurisdiction over the district, on the second Saturday of September each year to consider any business which may come before them in behalf of the district or any questions which any landowner may desire to present. All vacancies on the Board of Drainage Commissioners shall be filled by the court, but if the owners of a majority in acres of the land comprising a district shall petition for the appointment of a particular person for drainage commissioner, it shall be the duty of the Court to appoint the person so designated. A majority of the Board of Drainage Commissioners shall constitute a quorum and the concurrence of a majority of the members at any regular or legally called meeting shall be conclusive as to any matters within the jurisdiction of said Board.

Section 10. Any commissioner, viewer or other officer of any district organized under this Article may, after due hearing, be removed for cause upon a motion filed in the Court of Probate where said district was organized.

Section 11. If the Court finds that any property set out in the report of the engineer should not be incorporated in the district, the Board of Commissioners or any owner of realty in the district may, within 20 days, after the refusal of the Court of Probate to include said property in the district, appeal from the order of the Court to the Circuit Court, upon giving bond in a sum to be fixed by the Court conditioned for the payment of costs if the appeal should be decided against said appellant. Any person owning lands within the district that in his opinion will not be benefited by the improvement and should not be included in the district may, within 20 days, appeal from the decision of the Court to the Circuit Court by filing an appeal accompanied by a bond approved by the Court, conditioned for the payment of the cost if the appeal should be decided against him.

Section 12. If it shall be necessary to acquire a right-of-way or any outlet over and through lands not affected by the drainage, then and in such event the power of eminent domain is hereby conferred, and such land may be condemned. The right of condemnation hereby conferred being exercised by application to the Court of Probate of the county in which the lands over which such right of way or outlet is desired, or a material portion thereof, are situated, and the same proceedings shall be had as in cases of condemnation of lands for public uses, as

provided by Article 1 of Chapter 79 of the Code of 1907, and such damages as may be awarded as compensation shall be paid by the Board of Drainage Commissioners out of the first funds which shall be available from the proceeds of the sale of bonds or otherwise.

Section 13. The Board of Drainage Commissioners of any district organized under this Article, or their employees or agents, including contractors and their employees, and the engineer and members of the Board of Viewers and their assistants, may enter upon the lands within or without the district in order to make surveys and examinations to accomplish the necessary preliminary purposes of the district, or to have access to the work, being liable, however, for actual damage done. Any person or corporation preventing such entrance shall be guilty of a misdemeanor, punishable by fine not exceeding fifty (50) dollars in the discretion of the court.

Section 14. Within sixty days after the district is established it shall be the duty of the Board of Drainage Commissioners to appoint as district engineer a competent civil or agricultural engineer of good standing in his profession who is familiar with land reclamation, and it shall be the duty of the Court of Probate to refer the report of the preliminary survey to the district engineer who shall make a survey of the district and shall prepare a report, with plans for improvements, for the district. Such report shall include maps, profiles, specifications, estimates of cost and other data and descriptions which are necessary in the judgment of said district engineer to show the location and character of the work and the information needed by the Board of Drainage Commissioners, provided that the drainage map shall show the location of the proposed ditch or ditches and other improvements and the boundary, as closely as may be determined by the records of the Tax Assessor, of the land owned by each individual landowner within the district, also the location of any railroads or public highways and the boundary of any incorporated town or village. Such report shall also contain an accurate description of all lands and other property, which, in the opinion of the Engineer, will be needed to be taken for right-of-way or for the uses and purposes of the district. In case the engineer finds that the data of any former surveys or other proceedings may be useful for the purposes of the district, the Board of Drainage Commissioners may take over and use such data and may pay therefor the amount of its value to the district. The engineer and Board of Drainage Commissioners in the preparation and adoption of plans shall consider the best interest of the district and are not bound to follow or adopt the plans that may be outlined in the preliminary report of the engineer. The engineer may, at the expense

of the district and with the approval of the Board of Drainage Commissioners, employ the necessary assistants in making surveys, maps and profiles, and may secure the services of a consulting engineer or expert advisor. Upon receipt of the final report of the district engineer concerning surveys made of the lands and other property in the district organized, and plans for draining the same, the Board of Drainage Commissioners shall adopt such report or any modification thereof approved by the district engineer after consulting with him, and thereafter such adopted report shall be the plan for draining, leveeing or reclaiming such lands and other property from overflow or damage by water, and it shall after such adoption be known and designated as the "Plan of Reclamation," which plan shall be filed with the Judge of the Court of Probate and incorporated into the records of the district. A copy of the Engineer's report and plan of reclamation shall also be submitted to the State Commissioner of Agriculture and Industries for examination. After such examination, by said commissioner, the report and plan of reclamation shall be filed with the Division of Agricultural Engineering, Alabama Polytechnic Institute, Auburn, Alabama.

Section 15. Whenever the proposed improvement crosses the right-of-way of any railroad company, it shall be the duty of the Board of Drainage Commissioners, before adopting the plan of reclamation, to promptly notify such railroad company by serving written notice on any agent of such company or its lessee or receiver, that the Board of Drainage Commissioners will meet the company at the place where the proposed ditch, levee or other drainage improvement will cross the right-of-way of such company, said notice fixing the time of such meeting which shall not be less than ten (10) days after the service of the same, for the purpose of conferring with said railroad company with relation to the place and the manner in which said improvement shall cross such right-of-way. It shall be the duty of the Board of Drainage Commissioners and the railroad company to agree, if possible, upon the place where and the manner and method in which such improvement shall cross such right-of-way. If the Board of Drainage Commissioners and the railroad company cannot agree, or if the railroad company shall fail, neglect to refuse to confer with the Board of Drainage Commissioners, said Board of Drainage Commissioners shall determine the place and manner of crossing the right-of-way of said railroad company, and shall specify the number and sizes of openings required and so specify in the Plan of Reclamation, and they shall further specify that they could not agree with the railroad company or that the latter failed, neglected or refused to confer with them.

Section 16. The Board of Drainage Commissioners may correct errors in or amend the Plan of Reclamation at any time upon the recommendation or concurrence of the district engineer when it appears that the purpose for which the district is organized may thereby be more effectively and economically accomplished; provided, that after assessments of benefits has been confirmed by the Court, no such amendment to plans shall be effective until approved by the Court having jurisdiction of the district after a hearing for which notice shall be given as in case of the assessment of benefits, at which hearing all parties whose property has been assessed for benefits or may be damaged or taken by reason of such amendment, shall have opportunity to be heard. When any amendment to the Plan of Drainage is approved by the Court the benefits and damages resulting from such amendment shall be determined at the same hearing.

Section 17. Within twenty days after the adoption of the Plan of Reclamation, the Secretary of the Board of Drainage Commissioners shall prepare and transmit a certified copy thereof to the court of probate of the county in which the district is organized, and at the same time the Board of Drainage Commissioners shall file with said Court of Probate a petition to appoint viewers to appraise the lands within and without said district to be acquired for rights-of-way, holding basins and other drainage works of the district, and to assess benefits and damages according to all lands in the district and other property by reason of the execution of the Plan of Reclamation. Within thirty days after the filing of such petition the Court of Probate shall by an order appoint a Board of Viewers consisting of three viewers who shall be disinterested owners of realty in the county or counties involved. A majority of said viewers shall constitute a quorum and shall control the action of the Board of Viewers on all questions.

Section 18. Within thirty days after qualifying, the Board of Viewers shall begin their duties, and they may at any time call upon the attorney of the district for legal advice and information relative to their duties. Said viewers shall proceed to view the premises and determine the value of all land and other property within or without the district to be acquired and used for rights-of-way, holding basins, or other works set out in the engineer's report. They shall assess the amount of benefits and the amount of damages, if any, that will accrue to each tract of forty acres or less, according to the legal or recognized subdivisions of land according to ownership, to public highways, railroad and other rights-of-way, railroad roadways and other property, from carrying out and putting into effect the Plan of Reclamation. The engineer of the district or his representative shall accompany the Board of Viewers while they are viewing

the lands of the district. The viewers, in assessing the benefits of lands, public highways, railroad and other rights-of-way, railroads, roadways and other property not traversed by such works and improvements as provided for in the Plan of Reclamation, shall not consider what benefits will be derived by such property after ditches, improvement or plans other than those incorporated in the Plan of Reclamation shall have been constructed, but they shall assess only such benefits as will be derived from the construction of the works and improvements specifically set out in the Plan of Reclamation, or as the same may afford an outlet for drainage or protection from overflow of such property. In all cases where the drainage improvements follow swales, bayous, natural watercourses or existing waterways which intersect railroad rights-of-way, the railroad company shall be required to construct, build and maintain any necessary new bridges or culverts, or to enlarge, strengthen, reconstruct or replace any old ones at its or their own expense. In all cases where the drainage improvements intersect such rights-of-way at any other place, the expense of building such bridges and culverts shall be considered by the viewers as an element of damage to the railroad company, the amount of which shall be estimated and shown separately in the viewers' report and paid in cash as are other damages. In such case the viewers before assessing such damages and before filing their report shall promptly notify such railroad company by serving written notice upon the agent of such company or its lessee or receiver, that they will meet the company's representative at the place where the proposed district, ditch, drain or watercourse crosses the right-of-way of such company, said notice fixing the time of such meeting, which shall not be less than ten (10) days after the service of the same, for the purpose of conferring with such railroad company on the amount of such damages. When the time fixed for such conference shall have arrived, unless for good cause more time is agreed upon, it shall be the duty of the Board of Viewers and the railroad company to agree, if possible, upon the amount of such damages. If the Board of Viewers and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the viewers, said viewers shall proceed to assess such damages, if any, to such railroad company and so specify in their report, and they shall further specify that they could not agree with the railroad company, or that the latter failed, neglected or refused to confer with them. The viewers shall give due consideration and credit to any other drains, ditch or ditches, levee or levees, or other methods of drainage which may already have been constructed and which shall afford partial or complete protection to any tract or parcel of land in the new district. The public high-

ways, railroad and other rights-of-way, roadways, railroad and other property, shall be assessed according to the increased physical efficiency and decreased maintenance cost of such roadways by reason of the protection to be derived from the proposed works and improvements. The Board of Viewers shall have no power to alter the Plan of Reclamation heretofore provided. The Board of Viewers shall prepare a report of their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column 1, "owner of property assessed"; column 2, "description of property assessed"; column 3, "number of acres assessed"; column 4, "amount of benefits assessed"; column 5, "number acres taken for right-of-way"; column 6, "value of property taken for right-of-way"; column 7, "damages awarded", provided, that mistake in the name of the owner of any lands assessed shall not invalidate the assessment. There shall be set out a description of the land and other property to be required for right-of-way and for the uses and purposes of the district and the value of each tract or parcel thereof. Said report shall be signed by at least a majority of the Board of Viewers and filed with the Court of Probate of the county organizing said drainage district.

Section 19. When the report of the Board of Viewers is fully completed in accordance with the provisions of this Article, and filed, the Court of Probate shall forthwith set a date for hearing said report, not less than 30 days thereafter, and shall give notice thereof by causing publication to be made as hereinafter defined, and the following form shall suffice: "Notice Of Filing Of Viewers' Report And Hearing Thereon for..... Drainage District. Notice is hereby given to all persons interested in the following described land and property in..... County (or counties), Alabama; (here describe land and property) included within and without..... Drainage District, that the Board of Viewers heretofore appointed to assess benefits and damages to the property and lands situate within and without said drainage district and to appraise the cash value of the land necessary to be taken for rights of way, holding basins and other works of said district within or without the limits of said district, filed their report in this office on the..... day of....., 19....., and that the..... day of....., 19....., is hereby set as the day for hearing the same, you and each of you are hereby notified that you may examine said report and on or before the said day of hearing file exceptions to all or any part thereof as provided by law.

Probate Judge of..... County, Alabama."

Section 20. On or before the day set for the hearing of the final report of the Board of Viewers, the drainage district or

any owner of land or other property in said district, or any person having interest in any lands or other property within said district, may file exceptions to said report or to any assessment for either benefits or damages. All exceptions shall be heard by the Court and determined in a summary manner, so as to carry out liberally the purposes and needs of the district, and if it appears to the satisfaction of the Court, after having heard and determined all of said exceptions, that the estimated cost of constructing the improvements contemplated in the Plan of Reclamation, together with the damages assessed, is not greater than 90 per cent of the benefits assessed against the land and other property in said district, then the Court shall approve and confirm the report of the Board of Viewers as so modified and amended. If, however, the Court finds that the cost of construction, together with the damages assessed, exceeds 90 per cent of the benefits assessed, the Court shall dismiss the proceedings at the cost of the land owners in said district, and render its decree, decreeing the incorporation of the district to be dissolved as soon as all costs incurred, which shall include court costs and all obligations and expense incurred in behalf of the district by the Board of Drainage Commissioners, shall have been paid; and if the uniform tax levy under the provision of Section Seven of this Article be found insufficient to pay all such costs, the Board of Drainage Commissioners shall make such additional uniform tax levies as will be necessary to pay such deficiency, provided that any fund remaining after such costs and expenses have been paid shall be prorated among the landowners in the same ratio as it was collected. The Court of Probate of the county in which the drainage district is organized shall transmit a certified copy of the court decree and copy of the Board of Viewers' report, as confirmed or amended by the Court, to the Board of Drainage Commissioners of the district, and if the District embraces lands in more than one county then the Secretary of the Board of Drainage Commissioners shall thereupon make and transmit a certified copy of the said decree and that part of the said report affecting land in each county, to the Court of Probate of each county except the county in which the District is organized, having lands in the district assessed with benefits, where the same shall become a permanent record, and each such Court of Probate shall receive a fee of \$1.00 for receiving, filing and preserving the same.

Section 21. Any person aggrieved may within ten days after the confirmation of the Board of Viewers' report appeal from the judgment of the Court of Probate to the Circuit Court and upon such an appeal there may be determined either or both of the following: first, whether just compensation has been allowed for property appropriated; and second, whether

proper damages have been allowed for property prejudicially affected by the improvements. Such appeal shall be taken and prosecution as now provided by law, which appeal shall be based and heard only upon the exceptions heretofore filed by the complaining party, either as to issue of law or fact, and no additional exceptions shall be considered by the Court upon the hearing of the appeal; provided, that nothing in this Section shall be construed to authorize any appellant to stay the proceedings of the district, or to prevent progress in the work of constructing any work or improvement; but said district may proceed with said work, and any subsequent proceedings in the Circuit Court shall affect only the rights and interest of the appellant in property located in such district.

Section 22. After the list of lands and other property with the assessed benefits and the decree and judgment of the court have been filed as provided in Section 21 of this Article, the Board of Drainage Commissioners shall without unnecessary delay levy a tax of such portion of said benefits on all lands and other property in the district to which benefits have been assessed, as may be found necessary by the Board of Drainage Commissioners to defray the costs and expenses of the proposed works and improvements as incorporated in the Plan of Reclamation, plus 10 per cent of said total amount for emergencies. The said tax shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed and not in excess of 90 per cent thereof, and in case bonds are issued as provided herein and hereafter, then the amount of the interest (as estimated by said Board of Drainage Commissioners), which will accrue on said bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are or are not in excess of 90 per cent of the benefits assessed. The Board of Drainage Commissioners, as soon as said total tax is levied, shall at the expense of the district prepare a list of all taxes levied, in the form of a well bound book, which book shall be endorsed and named "Drainage Tax Record of _____ Drainage District, _____ County (or counties), Alabama," which endorsement shall also be printed or written at the top of each page in said book, and said Tax Record shall be signed and certified by the president and secretary of the Board of Drainage Commissioners, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of the secretary of the Board of Drainage Commissioners, and a copy thereof shall be filed in the Court of Probate of each of the counties having lands in

said district, as the same may affect the land or other property in that county, where the same shall become a permanent record of the Court, and for receiving and filing the Drainage Tax Record the Court of Probate shall be allowed a fee of \$1.00. The following form shall be sufficient for such a drainage tax record:

STATE OF ALABAMA

} SS.

COUNTY OF

TO THE COURT OF PROBATE OF COUNTY,
ALABAMA.

This is to certify that by virtue and authority of Section 22 of Article 40 of an Act of the Legislature of Alabama, session 1923, known as the "Agricultural Code of Alabama," the Board of Drainage Commissioners of Drainage District, in which are situated the lands and other property in the county (or counties) of and State of Alabama, do hereby certify that the tax authorized by said Article, and the land and other property against which the same is levied, are described in the following table, in which table are: 1. The names of the supposed owners of said land and other property. 2. The descriptions of said land and other property opposite the names of the said owners. 3. The amount of such tax levied against each tract of land or piece of property. (Here insert schedule as above including description of land and amount of tax and then complete record with the following:) The said tax shall be payable in not to exceed twenty annual installments, the amount of each installment as well as the amount of maintenance tax to be determined and certified to the tax collector of the county, not later than the first Monday in October of each year. The aforesaid tax and such maintenance tax as may be levied from time to time shall be a first lien equal in dignity with the lien for State and county taxes upon the land and other property herein and therefore described. Witnessed by the signature of the president of the Board of Drainage Commissioners of the said drainage district, attested by the seal of said district and by the signature of the Secretary of said Board of Drainage Commissioners, this day of, 19.....

President.

Secretary.

In case the proceeds of the taxes levied as herein provided are not sufficient to construct the improvements as described in the Plan of Reclamation then the Board of Drainage Commissioners shall make, certify and provide for the collection of such additional taxes as are necessary to complete the improvements; provided, however, that the aggregate of all such levies, exclusive of maintenance taxes and taxes levied for interest on

bonds, shall not exceed 90 per cent of the total benefits assessed and confirmed.

Section 23. The said Board of Drainage Commissioners shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under the preceding section, which shall become due and be collected during said year, at the same time that State and county taxes are due and collected, which said annual installment and levy shall be evidenced and certified by the said Board as hereafter provided. Prior to the first Monday in October of each year, one copy of the Drainage Tax Book shall be delivered to the Tax Collector of each county in which lands and other property of said district are situate, after the judge of the Court of Probate of the county in which the district was organized has affixed his signature to the certificate and order directing the collection of said tax, and said tax shall thereupon have the force and effect of a judgment as in the case of State and county taxes. The certificate and order of said installment tax shall be in substantially the following form:

"STATE OF ALABAMA

COUNTY OF

To....., Tax Collector of.....County:

This is to certify that by virtue and authority of Article 40 of an Act of the Legislature of the State of Alabama, passed at the 1923 session thereof, and known as the "Agricultural Code of Alabama," the Board of Drainage Commissioners of..... Drainage District of.....County (or counties), of Alabama, have and do hereby levy the sum of \$..... as the annual installment of tax for the year 19..... of the total tax levied under the provisions of said Article, which said total tax has heretofore been certified to the Court of Probate of.....County, and said Board of Drainage Commissioners by and under the authority of the same Article have levied also the sum of \$..... as a maintenance tax for said year; said annual installment of tax and maintenance tax on the real estate and other property situate in your county are set out in the following table, in which are: First, the names of the supposed owners of said lands and other property; second, the descriptions of said lands and other property opposite the names of said owners; third, the amount of said installment of tax levied on each tract of real estate or other property; and fourth, the amount of maintenance tax levied against the same. (Here insert the schedule after which the balance of the certificate shall appear.) The said taxes shall be collectible and payable the present year at the same time that State and county taxes are due and collected, and you are directed and ordered to demand and collect the said taxes at the same time you de-

mand and collect the State and county taxes due on the same lands and other property, and this "Drainage Tax Book" shall be your warrant and authority for making such demand and collection. Witness the signature of the Judge of the Court of Probate of the county in which the district was organized and the President of the said Board of Drainage Commissioners, attested by the seal of said district and the signature of the Secretary of said Board, this the.....day of....., A. D., 19.....

.....
 Judge of the Court of Probate.
County, Alabama.

.....
 President of the District.

Attest:

.....
 Secretary of the District.

In preparing the drainage tax record provided for by this Section the Board of Drainage Commissioners shall show in properly ruled columns: First, the names of the owners of said land and other property as they appeared in the report of the Board of Viewers; second, the descriptions of the said lands and other property opposite the names of said owners; third, the amount of said annual installment tax levied for each tract or piece of property; fourth, the amount of maintenance tax; fifth, a blank column in which the collector shall record the several amounts as collected by him; sixth, a blank column in which the collector shall record the date of payment of the different sums; seventh, a blank column in which the collector shall record the names of the person, or persons, paying the several amounts. Provided, that mistake in the names of the owners appearing in the Drainage Tax Book shall not invalidate the assessment. The columns in which the annual installment tax appears shall be correctly totalled. The said certificate and table shall be prepared in the form of a well bound book, which shall be endorsed and named "Drainage Tax Book, Drainage District,.....County (or counties), Alabama, for the year 19.....," which endorsement shall also be printed at the top of each page in said book. All taxes provided for in this Article shall constitute a lien equal in dignity with the lien for general state and county taxes upon the lands assessed, and except as hereinafter provided they shall be collected in the same manner and by the same officials as State and county taxes are collected. The said taxes shall be due and payable on the first Monday in October of each year, and if the same shall not be paid in full by the thirty-first day of December following, they shall become delinquent, and when so delinquent shall bear

a penalty of two per cent per month until paid, each fractional month being counted as a full month. It shall be the duty of the tax collector to sell the land or lands so delinquent, the sale of lands for failure to pay such taxes and penalty to be made at the courthouse door of the county in which the lands are situate between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon of the first Monday in February of each year, and if for any reasonable cause the same cannot be made on that date, the sale may be continued from day to day for not exceeding four days, or the lands may be readvertised and sold on the first Monday in March succeeding, during the same hours, without any order therefor, and the sale of such lands for drainage taxes and penalties or any installment thereof shall be made subject to the lien of any unpaid State, county or city taxes due thereon, and the sale of lands for any State, county, or city taxes due thereon shall be subject to the lien of any taxes or installments thereof levied under this Article. In all other respects, except as to time of sale of lands and the two per cent penalty for each month's delinquency or part thereof, the existing law as to the collection of State and county taxes shall have application to the collection of drainage assessments under this Article. It shall be the duty of the sheriff or tax collector to pay over to the district treasurer promptly the money so collected by him upon said tax assessments, to the end that the said treasurer may have funds in his hand to meet the payment of interest and principal due upon any outstanding bonds as they mature. If at such sale or sales, no bidder is found who will bid the amount of drainage tax, interest, penalty and costs due thereon, the land shall not be sold but shall be reoffered the next year.

Section 24. When any property in a drainage district has been divided, sold or transferred the tax collector may receive taxes levied under this Article on a part of any tract, piece or parcel of land or other property and give his receipt accordingly only when the deed or transfer of said property shows the agreed division of said taxes and the approval of the Board of Drainage Commissioners of the district.

Section 25. The tax collector of each county shall retain for his services as collector of taxes for the drainage district one-half of one per cent of the amount he collects of current taxes and one per cent of the amount he collects of delinquent taxes, penalties, and costs. If any tax collector or sheriff shall refuse, fail or neglect to promptly make full payment of the tax, or any part thereof, collected under this article he shall pay to the treasurer of the district a penalty of 10 per cent on account of his delinquency. Said penalty shall at once become due and

payable and both he and his surety shall be liable to the district therefor.

Section 26. Any person owning lands and other property assessed for the construction of any ditch or other improvement under the provisions of this Article shall have the privilege of paying such tax assessment to the district treasurer on or before a date to be fixed by the Board of Drainage Commissioners, notice of which date shall be given by publication in a newspaper published in each county in which lie lands in the district at least ten days before such fixed date, and the amount to be paid shall be the full amount of the tax levied, less any amount added thereto to meet interest. When such tax assessment has been paid, the Secretary of the Board of Drainage Commission shall enter upon the Drainage tax record opposite each tract for which payment is made, the words "paid in full," and such tax assessment shall be deemed satisfied, and the Secretary of the Board of Drainage Commissioners shall also make or cause to be made the same entry opposite each tract for which payment is made upon the Drainage Tax Record, filed with the Court of Probate of the county in which the property is located, provided, that such payment shall not operate as a release of the lands or other property on which the full amount of taxes levied has been paid from liability to pay additional taxes upon said lands and other property as provided for in this Article.

Section 27. Each and every person owning land in the district who shall fail to pay to the district treasurer the full amount for which his land is liable, as aforesaid, within the time above specified, shall be deemed as consenting to the issuance of drainage bonds, and in consideration of the right to pay his proportion in installments, he thereby waives his right of defense to the payment of any tax which may be levied for the payment of bonds, because of any irregularity, illegality, or defect in the prior proceedings except in case of an appeal, as hereinbefore provided, which is not affected by this waiver.

Section 28. The Board of Drainage Commissioners may issue bonds of the drainage district from time to time for an amount equal in the aggregate to the total cost of the improvement, including all preliminary organization and administration expenses not heretofore provided for, less such amounts as shall have been paid in cash to the district treasurer. In no case, however, shall the par value of the bonds issued plus such amounts as shall have been paid in cash to the District Treasurer exceed 90 per cent of the aggregate of benefits assessed against the land or other property. The bonds shall be numbered serially and shall bear interest not to exceed six per centum per annum, payable semi-annually, and shall mature at annual in-

tervals within twenty years commencing after a period of years not later than five years to be determined by the Board of Drainage Commissioners, and said bonds shall be signed by the President of the Board of Drainage Commissioners, attested with the seal of said district and by the signature of the secretary thereof, and the interest coupons attached to said bonds may be executed with the fac-simile signature of the secretary of said district. It shall, however, be unnecessary to affix the seal of the district to the interest coupons. Bonds issued hereunder shall have all the qualities of negotiable paper within the meaning of the law merchant. Said bonds may be prepared at the expense of the District and executed from time to time or at one time, and when delivered for value shall be held to be the obligations of the district, although executed by officials other than those in office at the time of the delivery for value, provided the officials signing them were in office at the time they signed the bonds. The Secretary of the Board of Drainage Commissioners shall file in the Court of Probate in which the drainage district was organized, a certified copy of the order of the Board of Drainage Commissioners authorizing and describing any bonds issued hereunder, and the said order shall be recorded in the Drainage Record of said county. This order shall set forth the amount, date, denomination, maturity and numbers of the bonds to be issued, as well as the bond form including the place of payment, and before any of said bonds are delivered for value the Judge of said Court of Probate shall certify on each bond that a copy of the order authorizing same has been duly recorded in the Drainage Record of said county. It shall be sufficient to say: This is to certify that a copy of the order of the Board of Drainage Commissioners of..... Drainage District of.....County, Alabama, authorizing this bond has been duly recorded in the Drainage Record of.....County, Alabama.Judge of the Court of Probate.....County, Alabama.

Section 29. The Board of Drainage Commissioners may sell the bonds for cash at not less than 95 per cent of the par value plus accrued interest and devote the proceeds to the payment of the work as it progresses and to the payment of other expenses of the district provided for in this Article, and for no other purpose or purposes. The funds of the district derived from the sale of bonds, collection of taxes, or any other source shall be placed in any such depositories as may be designated by the Board of Drainage Commissioners, and the depositories shall pay into the treasury of the district such rate of interest as may be mutually agreed upon between the depository and the Board of Drainage Commissioners; provided, that the rate of interest shall not be less than 2 per cent

per annum, and that the funds shall be subject to withdrawal at any time by the commissioners for the payment of the obligations of the district.

Section 30. The principal and interest of bonds issued under this Article shall be payable at such place or places as the Board of Commissioners may designate. At least two weeks before the principal and interest of any bonds are due and payable it shall be the duty of the treasurer of the drainage district, to forward to the place of payment named in such bonds, an amount sufficient to meet the principal and interest thereon coming due, together with the customary fee of such paying bank not to exceed one-fourth of one per cent. It shall be the duty of the Board of Drainage Commissioners in making the annual tax levy as hereinbefore provided to take into account the maturing bonds and interest on all bonds and to make ample provisions in advance for the payment thereof. In case the proceeds of the original tax levy made under the provisions of Section 22 of this Article are not sufficient to pay the principal and interest of all the bonds issued thereunder, then the Board of Drainage Commissioners shall make such additional levy or levies upon the benefits assessed as are necessary for this purpose and may issue additional bonds in like manner as in the first instance provided, that the total tax levies, exclusive of maintenance taxes, or taxes levied to pay the interest on bonds, shall not exceed 90% of the benefits assessed.

Section 31. If any installment of principal and interest evidenced by any bonds, issued under the provisions of this Article, shall not be paid at the time and in the manner when the same shall become due and payable, the same shall bear interest at the rate of eight per centum per annum until paid, and if such default shall continue for a period of sixty (60) days, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said drainage district wherein the court may issue a writ of mandamus against the officers of said district including the tax collector directing the levying of a sufficient tax as herein provided and the collection of same in such sum as may be necessary to meet any unpaid installments of principal and interest and costs of suit; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law. And as an additional remedy in case of default in the payment of the principal and interest of any bonds heretofore or hereafter issued by any drainage district within the State of Alabama, which default has existed for sixty (60) days and payment has been demanded by the holder of any such bond or interest coupon at the place designated for payment in such instruments, and also to the President of the Board of Drainage

Commissioners of any such drainage district, the holder or holders of such bonds or interest coupons shall have the right to make application to any court of competent jurisdiction for the appointment of a receiver for such defaulting drainage district, and it shall be the duty of said court upon presentation of a petition properly verified to appoint a receiver in such case to collect any taxes due such district, and such receiver shall have power to institute suits for the collection of delinquent taxes and to do all things necessary to collect delinquent taxes or other debts due the district, and the said receiver may be directed by suit to foreclose the lien of said taxes on said lands, and out of the proceeds of any collections so made the receiver shall first pay all costs and shall pro rate the remainder of such collections to the payments of bonds and coupons then due; and said receiver shall be under the jurisdiction and control of the court appointing him and he shall have power to proceed in any court of competent jurisdiction where it is necessary to enforce any lien against any land within the district, and said court shall have the power to discharge said receiver at any time and appoint another in his stead, and when all bonds and interest coupons past due shall have been paid, the receiver shall be discharged. Suits for the foreclosure of taxes by any receiver appointed hereunder, shall be conducted in the following manner: Such suits shall be brought in the Circuit Court in Equity of the county in which the lands are situated, and the said court shall give judgment against all of such lands or other property in said district, for the amount of such taxes, together with all interest and penalties accrued thereon, and costs. Such judgment shall provide for the sale of such delinquent lands for cash in the same manner as other judicial sales of land. Said proceedings and judgment shall be in the nature of proceedings in rem, and it shall be immaterial that the ownership of such lands be incorrectly alleged in said proceedings, and such judgment shall be enforced wholly against such lands and not against any other property or estate of the defendants. All or any part of said delinquent lands for each of said counties may be included in one suit for each county, instituted for the collection of said delinquent taxes, etc., as aforesaid; and notice of the pendency of such suit shall be given by publication weekly for four weeks (four insertions) before judgment is entered for the sale of said lands, in some newspaper published in the county where such suits may be pending, if there be one, and if no newspaper then in some newspaper in an adjoining county, which public notice may be in the following terms: Receiver for..... Drainage District vs. Delinquent Lands. All persons having or claiming any interest in any of the following described lands are hereby notified that suit is pending in the Circuit Court

in Equity of.....County, Alabama, to enforce the collection of certain drainage taxes on the subjoined list of lands, the name of each supposed owner having been set opposite his or her or its lands together with the amounts severally due from each, to-wit: (Then shall follow a list of supposed owners, with a descriptive list of said delinquent lands and amounts due thereon respectively, as aforesaid) and said public notice may conclude in the following form: All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense of said suit, or the same will be taken as confessed, and final judgment will be entered directing the sale of said lands for the purpose of collecting said taxes, together with interest, penalty and costs allowed by law. Such suits shall stand for trial at the first term of court after the complaint shall have been filed, if said four weeks shall expire either before the first day of the term or during the term of court to which said suits are brought respectively, unless a continuance be granted for good cause shown, within the discretion of the court, and such continuance, for good cause shown, may be granted as to a part of said lands or defendants without affecting the duty of the court to dispose finally of the others as to whom no continuance may be granted; and in all cases where notice has been properly given as aforesaid, and where no answer has been filed, or if filed, and the cause decided for the plaintiff, the court by its decree shall grant the relief as prayed for in the complaint, and shall direct the sale of such lands described in the complaint at the courthouse door of the county wherein the decree is entered at public outcry to the highest and best bidder for cash in hand, after having first advertised such sales(such advertisement may include all the land included in the decree) weekly for two weeks, consecutively, (two insertions) in some newspaper published in the county, if there be one, and if no newspaper, then that such advertisement be published in some newspaper in an adjoining county, and if all the lands are not sold on the day as advertised, such sale shall continue from day to day until completed; and the Register shall by proper deeds convey to the purchaser the lands so sold, and the title to said lands shall thereupon become vested in such purchaser as against all others whomsoever, subjects only to the right of the owner of said land to redeem same within two years from the date of said sale, on payment of the amount paid by the purchaser of said land with legal interest thereon to the date of redemption, and also the further sum equal to ten percentum of the amount so paid by the purchaser of said land. The purchaser of any land at such sale shall be entitled to the possession of such land immediately upon the delivery to him of the

deed thereof provided that if such land, being agricultural land, shall have been leased by the owner and the tenant shall have planted a crop thereon prior to such sale, such tenant shall have the right to till and gather his crop. The receiver may proceed by suit as aforesaid against any such delinquent lands before the sale thereof by the collector, or after such sale but for which no purchaser was found; and it shall be the duty of such receiver to deliver to the collector a copy of the complaint against such delinquent lands, and such lands shall thereafter not be offered for sale by the collector, until such delinquent lands shall have been sold under the foreclosure herein provided for or the judgment against the same otherwise satisfied or the foreclosure suit against such lands otherwise finally disposed of; and it shall be the duty of such receiver, as such land is sold or judgment against the same otherwise satisfied, to furnish the collector with a list of such lands, and the collector shall then record the satisfaction of such tax in the Drainage Tax Book for the proper year. Provided, that it shall be the duty of the collector thereafter to sell any such lands at the time and in the manner provided by this act for delinquent drainage taxes for any year subsequent to the taxes for which judgment was rendered against such lands. Provided further that the sale of any lands for drainage taxes under this Article shall only discharge such lands from the lien of the taxes for which judgment was rendered or the sale made.

Section 32. Bonds in behalf of the district for the safe keeping of funds and faithful performance of their respective duties and obligations shall be given by each of the commissioners, the engineer, the attorney, the secretary, the treasurer, and all other persons who may handle funds of the district, and by such persons, firms or corporation having contracts with the district as the commissioners may require. The amount of the bonds and the sureties of the commissioners shall be subject to the approval of the Court of Probate. The amount of bonds and the sureties of the treasurer, the attorney, the secretary, the engineer and the contractors shall be subject to the approval of the Board of Drainage Commissioners. All bonds of district officials shall be placed with the Court of Probate and the bonds of contractors with the secretary of the district. The amount of the bond of any person who handles district funds, or of a collector of district taxes, shall be determined by the Board of Drainage Commissioners. Sureties on such bonds may be individual or corporations and the fees for all bonds required of officers and of other persons handling funds of the district shall be paid by the district as part of administration expense.

Section 33. The Board of Drainage Commissioners may secure and use men, equipment and materials under the super-

vision of the district engineer to construct, excavate and complete all or any of the works and improvements which may be needed to carry out the Plan of Drainage, or it may in its discretion let contracts therefor, either as a whole or in part. The Board of Commissioners shall fix the time and place of letting contracts for the construction of the improvements, and cause notice thereof containing a description of the work to be let, to be made by publication in three consecutive issues of some weekly newspaper (if such there be) of general circulation published in the county in which the district is organized, and by at least one insertion in some contractor's or trade journal, and by such additional publication elsewhere as the Board of Drainage Commissioners may deem expedient, the last insertion to be at least (10) days before the day of the letting. On the date appointed for the letting the Board of Drainage Commissioners together with the district engineer shall convene and let the proposed work either in whole or in sections, as they may deem most advantageous for the district. They shall have the right to reject any and all bids and to readvertise the work if in their judgment the interests of the district will be subserved by so doing. The successful bidder shall be required to enter into contract with the Board of Commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties in favor of the drainage district in an amount not less than twenty-five (25) per centum of the estimated cost of the work awarded to him. The contract shall be based on the plans and specifications submitted by the engineer in his final report as adopted by the Board of Drainage Commissioners, the original of which shall remain on file in the office of the Court of Probate, and shall be open to inspection by all prospective bidders. All bids shall be submitted sealed and shall not be opened except under the authority of the Board of Drainage Commissioners and on the day and at the hour therefor appointed for opening the bids.

Section 34. The district engineer shall have charge of the construction of the Plan of Drainage. He shall make monthly estimates of the amount of work done, and shall furnish one copy to the contractor and file the other with the Secretary of the Board of Commissioners; and the commissioners shall, within five (5) days after the filing of such estimates, meet and direct the secretary to draw a warrant in favor of such contractor for not more than ninety (90) per cent of the work done according to the specifications and contract; and upon the presentation of such warrant, properly signed by the president and secretary, to the treasurer of the district he shall pay the amount due thereon. When the work is fully completed and accepted by the district engineer he shall make an estimate for

the whole amount due, including the amounts withheld on previous monthly estimates which shall be paid from the drainage fund as herein provided.

Section 35. If any contractor to whom said work shall have been let shall fail to perform the same according to the terms specified in his contract, the Board of Drainage Commissioners may declare the contract forfeited and shall relet the work proceeding as in the case of the first instance. The district shall have a right of action against the contractor and the sureties on his bond for the amount of damage sustained by it.

Section 36. In the construction of the work the contractor shall have the right to enter upon the lands necessary for this purpose, and the right to remove private or public bridges or fences and to cross private lands in going to or from the work. In case the right-of-way of the improvement is through timber, the owner thereof shall have the right to remove it, if he so desires, before the work of construction begins.

Section 37. Where any public ditch, drain or watercourse established under the provisions of this Article crosses a public highway at the intersection of such highway with a natural watercourse or swale through which water flows during period of high water, the cost of bridges, or of repairing or enlarging existing bridges and culverts, or of constructing new ones, shall be borne by the county in which such bridges are located or by such other authority as is required by law to maintain such highway so intersected; and such bridges or culverts shall thereafter be maintained by such county or other authorities. Where any public ditch, drain or watercourse established under the provisions of this Article crosses a public highway at a point where such highways does not intersect a natural watercourse or swale, the cost of constructing the new bridge required shall be borne by the drainage district and such bridge or culvert shall thereafter be maintained by and at the expense of the county or such other authority required by law to maintain such highway so intersected.

Section 38. After a district has let a contract for work which crosses a railway right-of-way and the actual construction is commenced, the engineer in charge of construction shall notify the railroad company of the probable time at which the contractor will be ready to enter upon the right-of-way of said road and construct the work thereon. It shall be the duty of said railroad to send a representative to view the ground with the engineer and arrange the exact time at which such work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails, ties, stringers and such other obstructions as may be necessary to permit the excavation of the channel across its right-of-way. The work shall be so

planned and conducted as to interfere in the least possible manner with the business of the said railroad. In case the railroad company refuses and fails to remove its track or tracks so as to permit the construction of work on its right-of-way and the passage of the necessary equipment of the contractor, it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of \$100 per day for each day of delay to be collected by the Board of Drainage Commissioners for the benefit of the drainage district as in the case of other penalties. Such penalty may be recovered in any Court of Competent jurisdiction, and shall inure to the benefit of the drainage district. Within thirty (30) days after work is completed an itemized bill for the actual expenses incurred by the railroad company for opening its tracks shall be made and presented to the engineer of the drainage district. Such bill, however, shall not include the cost of constructing a new bridge or of strengthening or enlarging an old one, except as herein provided. The engineer shall audit this bill, and if found correct approve the same and file it with the secretary of the Board of Drainage Commissioners who shall reimburse the said railroad company for such expense.

Section 39. Whenever any improvement constructed under this Article is completed, it shall be under the control and supervision of the Board of Drainage Commissioners. It shall be the duty of said Board to maintain the levees, ditches, drains, watercourses, and any other improvements, in good repair, and for this purpose the Board of Drainage Commissioners may annually levy a tax on the lands benefited by the construction of such improvement in the same manner as other drainage taxes are levied, not to exceed ten (10) per cent of the assessed benefits in any one year, and the fund that is collected shall be used for repairing and maintaining the ditches, drains, watercourses, and other improvements in perfect order; provided however, that if any repairs are made necessary by the act of negligence of the owner of any land through which such improvement is constructed, or by the act or negligence of his agent, tenant or employee, or if the same is caused by the cattle, hogs, or other live stock of said owner, tenant, employee, or agent, then the cost thereof shall be assessed and levied against the lands of the owner alone, to be collected by proper suit instituted by the Drainage Commissioners; provided, further, that when it shall become necessary to repair any bridge or construct a new bridge across any railroad by reason of enlarging any watercourse or of excavating any canal intersection, or by reason of wear and tear and natural deterioration of such bridge or structure, such repairs, maintenance and improvements shall be made at the expense of the said railroad. It shall be un-

lawful for any person to injure or damage or obstruct any improvements constructed under the provisions of this Article, or to build any bridge, fence or floodgate across any levee, ditch, drain or watercourse, or any other improvements constructed under the provisions of this Article, without securing the prior written consent of the Board of Drainage Commissioners, and any person causing any injury, damage or obstruction, or building any bridge, fence or floodgate without the consent of the Board of Drainage Commissioners shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000) Dollars, in the discretion of the court.

Section 40. The owner of any land that has been assessed for the cost of the construction of any ditch, drain, watercourse, or other improvement as herein provided shall have the right to use the ditch, drain, or watercourse as an outlet for lateral drains from said land; and if said land is separated from the ditch, drain, watercourse, or other drainage improvement by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may petition to condemn the same and the same proceeding shall be had as in cases of condemnation for public uses as provided by Article 1 of Chapter 79 of the Code of 1907. When the drain is constructed it shall become a part of the drainage system and shall be under the control of the Board of Drainage Commissioners and be kept in repair by the Board as herein provided.

Section 41. The Board of Drainage Commissioners may petition the Court and upon a proper showing the Court shall correct errors or omissions that may have occurred in any proceedings or decrees in relation to any district organized under this Article; provided, that notice by publication as herein provided shall be given to any person whose lands are affected by such proposed correction, and that no other person or property shall be affected by such proceeding.

Section 42. Any body of land however large contiguous or adjacent to a drainage district organized under this Article may be annexed thereto and made a part thereof, the same as if originally included therein, upon the petition of one-third or more of the land owners owning fifty per cent or more in acreage of the real property to be annexed, or upon the petition of one-half or more of the owners of the real property to be annexed owning more than one-third of the area to be annexed. Such petition and all the proceedings relative thereto shall conform as nearly as may be with the provisions of this Article for the filing of the petition for the organization of a Drainage

District, and shall be filed with the Court of Probate having jurisdiction over the district to which annexation is sought. Upon filing of such petition the Court shall direct the Board of Drainage Commissioners of said district to cause surveys and a report to be made by the district engineer as to whether or not the purposes of the petition for annexation can be accomplished, and in what manner the works and property of the existing district would be affected, and to file the report of the engineer together with the recommendations of the Board of Drainage Commissioners thereon, with the Court of Probate. Upon the filing of the report by the Board of Drainage Commissioners, notice shall be given by the Court of Probate for a hearing in the same manner as is provided in this Article for notice upon the hearing of a petition for the organization of a district. Upon such hearing, if the Court shall find that it will be for the public health, convenience, or welfare to annex said lands and to carry out the purposes of the petition, it shall so order and thereafter the land so annexed shall be considered and made a part of said district and the Board of Drainage Commissioners shall provide for the drainage of the annexed lands by the improvements contemplated in the Plan of Drainage or amendments thereto; provided, that if at this hearing objections to the proposed annexation shall be made by the owners of land, either within the original boundaries of the district or within the tract proposed to be annexed, representing respectively one-third of the landowners owning a majority of the acres, or a majority of the owners owning one-third of the acres, it shall be the duty of the Court to dismiss the petition for annexation and to levy an acre tax upon the lands described in the petition for annexation to reimburse the Board of Drainage Commissioners of said district for all expenses incurred in connection with the proceedings therefor. Such taxes when collected shall be delivered to the Board of Drainage Commissioners of said district.

Section 43. The organization of any district, or subdistrict, under the provisions of this article shall not be construed to prevent inclusion of a whole or any part of the lands of any such district in another district and the taxing of such land to whatever extent the Plan of Reclamation may benefit such lands; provided that due credit shall be given in the adjustment of benefits and damages for the benefits received from any existing works which may form a part of the Plan of Reclamation of such other district.

Section 44. Whenever it may be desirable to construct, widen, deepen, straighten, or otherwise change any ditch, drain, watercourse, or levee lying on or along, across or near the boundary line between the State of Alabama and an adjoining

State, or whenever it may be desirable to construct, repair or improve any work of drainage as provided for in this Article, which ditch, drain, watercourse or other work of drainage cannot be constructed, repaired or improved in the best manner without affecting lands in such adjoining State, the Board of Drainage Commissioners of the district in which such work is located shall have authority to join with the proper officers of such adjacent county or counties or districts of other states in the construction, widening, deepening, straightening, repairing or improving of any such drain, ditch, watercourse, or other work of drainage. Such drainage commissioners of any district of this State are hereby given power jointly to enter into contracts with the proper officers of such county or counties or districts in adjoining States to construct, repair or improve any such work or drainage, each to pay such proportion of costs and expenses of the work as the contracting officials shall deem just. Such work of drainage shall be made on petition, as provided for in this Article in relation to other works of drainage, and all other provisions of this Article, as far as applicable, shall govern the drainage commissioners and other officers of this State in relation to such joint work or drainage.

Section 45. The Board of Drainage Commissioners shall have the right and authority to enter into contracts or other agreements with the United States Government or any department thereof, with persons, with railroads or other corporations, with public corporations, with the State Government of this or other States, and with drainage, conservation or other improvement districts in this or other States, for co-operating or assisting in constructing, maintaining, using, and operating the works of the district, or for making surveys and investigation, or reports thereon, and may purchase, lease, or acquire land or other property in adjoining States in order to secure outlets, or for other purposes of this Article, and may let contracts for securing such outlets or other works in adjoining States as may be necessary to carry out the provisions of this Article.

Section 46. On or before the first day of August each year the Board of Drainage Commissioners of any district organized under this Article shall have the accounts of the district audited and they shall file with the Court of Probate having jurisdiction thereof, the auditor's report showing the receipts and disbursements of the district for the preceding calendar year ending June 30. As well as their statement, the character of the work accomplished during such year and a general statement of the plans and purposes of the Board of Drainage Commissioners for the succeeding year. The Commissioners shall give notice by publication herein provided that the Auditor's report and the annual report of the Board of Drainage Commissioners

is on file with the Court and that the Board of Drainage Commissioners will hold their annual meeting in the office of the Court of Probate on the second Saturday in September to consider any business which may come before the Board in behalf of the district, or any questions which any land owners may desire to present to the Board of Drainage Commissioners.

Section 47. All petitions provided for under this Article may be signed by women, whether married or single, provided they own land in the proposed district; guardians may sign for their wards, trustees, executors, and administrators may sign for the estates represented by them, and if the signature of any corporation is attested by its corporate seal, the same shall be sufficient evidence of the assent of the corporation.

Section 48. Notice by publication wherever referred to in this Article, unless otherwise specified, shall consist of publication once in each of three consecutive weeks (three insertions) in some paper having general circulation in the county or counties wherein the land in the drainage district is located, the last insertion to be made at least fifteen (15) days prior to the date fixed for the hearing of said notice, and it shall not be necessary that the publication shall be made on the same day in each of the three weeks; but not less than fourteen (14) days, excluding the day of the first publication, shall intervene between the first publication and the last publication, and publication shall be deemed complete on the date of the last publication. When a district includes lands in two or more counties, such notice shall be published in each County and it will be sufficient to set out only the lands in the county in which the notice is published. If there be no newspaper published in a county in which the lands included within a drainage district are situated, then such publication shall be made in a newspaper published in an adjoining county. It shall not be necessary for a notice to name the parties interested and said notice shall have all the force and effect of a summons served personally on those owning lands within the district. The term "court" wherever it appears in this Article, and unless some other Court is specifically designated, shall be construed to mean Court of Probate. The terms "Board of Drainage Commissioners" or "Board of Commissioners" wherever it appears in this Article shall be construed to refer to the Board of Drainage Commissioners. The term "Viewers" wherever it appears in this Article shall be construed to refer to the Board of Viewers. The term "person" wherever it appears in this Article shall be construed to mean any individual, partnership, stock company or corporation. The term "District" wherever it appears in this Article shall be construed to refer to Drainage District. The term "swamp and overflowed lands," as used in this Article shall not be construed to apply alone to the present classification of lands under the

laws of this State, but said term shall extend to and include all lands that need drainage or protection from overflow, regardless of former classification.

Section 49. Each member of the Board of Drainage Commissioners and each member of the Board of Viewers, shall receive as compensation for their services five (\$5) dollars per diem when actually employed, and shall be reimbursed for actual reasonable transportation and living expenses when so engaged away from their homes; provided, that the Secretary of the Board of Drainage Commissioners shall be entitled to such compensation for his secretarial work as may be agreed upon by the Board of Drainage Commissioners. Any attorney, engineer or assistant engineer, or assistants employed under the provisions of this Article shall receive such compensation for his or their services as shall be fixed and determined upon by the Court of Probate, together with reimbursement for all necessary expenses, until the Board of Drainage Commissioners is appointed which shall then assume jurisdiction of these matters. The compensation of the treasurer of the district and of all other assistants and employees shall be determined by the Board of Drainage Commissioners. Such expenses shall be paid by order of the Board of Drainage Commissioners out of the Drainage fund provided for that purpose, and the Board of Drainage Commissioners shall issue warrants therefor in payment thereof.

Section 50. Any warrant issued under this Article that is not paid when presented to the treasurer of the District because of lack of funds in the treasury shall be endorsed on the back of said warrant "not paid for lack of funds." Such warrant shall draw interest thereafter at the rate of 6 per cent per annum until such time as there is money in hand to pay the amount of such warrant and the interest then accumulated. The treasurer shall list such warrants in the order in which they are presented and reserve the funds that may be collected for the payment thereof to be applied to the retirement of the warrants in such order. No such warrant shall draw interest after the time when sufficient funds are in the hands of the treasurer to pay such indorsed warrant and interest.

Section 51. The Board of Drainage Commissioners shall elect some competent person, corporation or partnership as district treasurer, whose duty it shall be to receive all moneys derived from tax collections, the sale of bonds, or from any other source, and to disburse the same in accordance with the provisions of this Article. The Secretary shall also be eligible for the office of Treasurer. The said Treasurer shall be required, before entering upon the discharge of his duties, to give bond in such amount as shall be fixed by the Board of Drainage Com-

missioners, payable to the drainage district, conditioned that he will well and truly account for and pay out as provided by law all moneys received by him from whatever source, which bond shall be signed by at least two sureties, approved and accepted by said Board of Drainage Commissioners. Said Treasurer shall keep all funds received by him from any source whatever deposited at all times in some banking institutions to be designated by the Board of Drainage Commissioners; provided that if it shall be deemed more expedient to the Board of Drainage Commissioners as to money derived from the sale of bonds issued, said Board may by resolution select some suitable bank or banks or other depository as temporary treasurer or treasurers to hold and disburse said moneys on the orders of the Board of Drainage Commissioners as the work progresses, until such fund is exhausted or transferred to the district treasurer by order of the said Board of Drainage Commissioners.

Section 52. For the purpose of carrying out the provisions of this Article, to assist in the keeping of the tax books, the collection of taxes, the remitting of funds to pay maturing bonds and coupons, and to be of such other service in the general management of the affairs of the district as may be determined, the Board of Drainage Commissioners shall have authority to appoint a fiscal agent and to define the duties and fix the compensation of said fiscal agent.

Section 53. The provisions of this Article shall be liberally construed to promote the leveeing, ditching, draining and reclamation of wet and overflowed lands. The collection of the assessment shall not be defeated, when the proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of the court confirming the final report of the viewers; but such order or orders shall be conclusive and final that all prior proceedings were regular and according to law, unless they were appealed from. If on appeal the court shall deem it just and proper to release any person or to modify his assessment or liability, it shall in no manner affect the rights and legality of any person other than the appellant and the failure to appeal from the order of the Court within the time specified shall be a waiver of any illegality in the proceedings, and the remedies provided for in this Article shall exclude all other remedies.

Section 54. Any district organized under this Article may be dissolved by the Court of Probate having jurisdiction thereof whenever it shall appear to said court that the works thereof need no further care for maintenance to preserve their efficiency and usefulness; that the maintenance of the works be not further conducive to the public health, convenience, or welfare, and that all obligations of such district have been

liquidated and fulfilled; provided, that the Court shall not consider the dissolution of any district except upon the petition of two-thirds of the owners of real property owning not less than two-thirds of the area taxed. Upon filing of such petition the same notice shall be served and the same opportunity shall be given for objections to the dissolution of the district as are herein provided upon the filing of a petition for the organization of a district.

Section 55. All laws and parts of laws, general or special, in conflict with this Article are hereby repealed in so far as the same affect the operation of this Article.

Section 56. If any sentence, clause, or section of this Article shall be held unconstitutional this shall not affect any other Section of this Article, it being the intention of the Legislature in enacting this Article to enact each Section separately.

Section 57. Causes, proceedings and processes now pending under the Drainage Act of 1915 shall not be prejudicially affected in any way by the provisions of this Article; but such pending and undetermined causes, proceedings and processes shall be conformed to the prescriptions of this Article.

Section 58. This Article shall be in effect from and after the date of the approval of this Article.

ARTICLE 41.

THE APPROVAL AND SUPPORT OF COUNTY AGENTS

Section 1. The powers and duties of the Board of Agriculture provided for by an Act approved Feb. 11, 1911, and transferred by Article 4 of this Act to the State Board of Agriculture, created by Article 2, Section 1, of this Act, (and the provisions of said Act, approved Feb. 11, 1911) are hereby revised and amended to read as hereinafter provided in this Article.

Section 2. In order to aid in diffusing among the people of Alabama in the several counties useful and practical information on subjects relating to agriculture; to provide for the continuance and improvement of farm demonstration work; for organizing live stock marketing and other agricultural clubs and otherwise assisting farmers in preparing for market and marketing their crops and live stock; for organizing and supervision boys' corn clubs, pig clubs and other agricultural clubs; to encourage diversification of crops and better methods of farming and stock raising; and to secure for expenditure in Alabama the full amounts appropriated conditionally by the Congress of the United States for agricultural extension work, there is appropriated per annum, the amount specified in Article 43 of this Act. The said fund shall be used under the supervision of the State Board of Agriculture created by Article 2,

Section 2, of this Act, in co-operation with the Extension Service created under an Act of Congress approved May 8, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, for aiding in employing Farm Demonstration Agents in the State of Alabama.

Section 3. The County Farm Demonstration Agents who shall have charge of the farm demonstration work in the respective County or counties of the State of Alabama, shall, before appointment, be jointly recommended for appointment by the State Board of Agriculture as created in Article 2, Section 1, of this Act, and the State Agent of Farm Demonstration Work in Alabama.

Section 4. At the close of each fiscal year the State Board of Agriculture shall make a full and complete report of all work done under this Article, to the Governor of Alabama.

ARTICLE 42.

THE PURCHASE AND SUPPORT BY COUNTIES OF EXPERIMENTAL FARM.

Section 1. The County Board of Revenue or County Commissioners or other bodies having similar jurisdiction in any county in Alabama shall have full authority and power to appropriate, out of the general funds of the county, such sum or sums as the Board may deem adequate and necessary for the purchase and support of an experimental farm or farms which may be established for the purpose of making a careful and full investigation or study of any and all problems pertaining to the production, standardizing and marketing of the crops and live stock and also to the home life of the county.

Section 2. The amounts appropriated under this Article shall be available for the payment of any and all bills incurred in carrying out the purposes of this Article.

Section 3. All amounts appropriated and all work done in compliance with this Article shall be in co-operation with the Experimental Station of the Alabama Polytechnic Institute.

ARTICLE 43.

DISPOSITION OF ACCRUED FUNDS.

Section 1. The Commissioner of Agriculture and Industries shall duly record the accruing funds as to source, and shall deposit daily in the State Treasury all funds accruing under the operations of this Act, including the net proceeds of fines imposed and of the sale of any confiscated articles or products.

Section 2. For the operation and maintenance of the Department of Agriculture and Industries, including salaries and the necessary analytical work by the State Chemical Laboratory, the per diem and other necessary expenses of the State Board of Agriculture; for carrying out the provisions and purposes of Article 25 of this Act relating to Horticulture; for carrying out the provisions and purposes of Article 37 of this Act, relating to Livestock Sanitary Work; for carrying out the provisions and purposes of Article 41 of this Act, relating to Farm Demonstration Work; for soil survey work as authorized by this Act, and for carrying into effect all the provisions of this Act, which relate in any manner to the duties of the Commissioner of Agriculture and Industries or to the duties of the Commissioner as executive officer of the State Board of Agriculture, there is hereby appropriated per annum out of any monies in the State Treasury, the sum of \$142,450; provided that \$7,500 per annum of amount shall be used for the purposes of Article 25 of this Act, relating to Horticulture; provided that forty thousand (\$40,000.00) Dollars per annum of said amount shall be used for the purposes of Article 37 of this Act, relating to Livestock Sanitary Work; provided that thirty thousand (\$30,000) dollars per annum of said amount shall be used for the purposes of Article 41 of this Act, relating to Farm Demonstration Work; provided that \$4,000 per annum of said amount shall be used for the soil survey, re-survey, revisions and reports on same, of the State; provided that \$7,000 per annum of said amount shall be used for the purposes of Article 21 of this Act, relating to analytical work and reports by the State Chemical Laboratory, and that in no event the said analytical work and reports by the State Chemical Laboratory exceed the actual cost to do such work; and provided that for the general operation and expenses of the Department of Agriculture and Industries and the State Board of Agriculture the following amounts of said sum are hereby appropriated per annum: Salary of Commissioner of Agriculture and Industries \$4,000.00. Salary of Chief Clerk \$2,750.00. Salary of Assistant Clerk \$1,500.00. Salary of three Stenographers \$3,600.00. For printing fertilizer tags \$5,000.00. For printing feed tax stamps \$1,500.00. For contingent fund \$3,000.00. Salary of Supervisor of Foods, Feeds and Drugs \$2,750.00. Salary of four general Inspectors \$8,000.00. Traveling expenses of four general inspectors \$6,400.00. Salary of Supervisor of Markets Bureau \$2,750.00. For traveling expenses of supervisors \$300.00. For printing Markets Journal \$2,400.00. For general administrative expenses of the State Board of Agriculture \$5,000.00. For printing, including bulletins and other periodicals \$5,000.00.

Section 3. The salary of the chief of a Division of the Department of Agriculture and Industries, as provided for in

this Act, shall not exceed three thousand (\$3,000) dollars per annum. The salary of no assistant, agent or inspector shall exceed two thousand four hundred (\$2,400) dollars per annum. The salary of no stenographer shall exceed fifteen hundred (\$1500) dollars per annum.

Section 4. The salaries and all other expenses authorized by this Act shall be paid out upon requisition of the Commissioner of Agriculture and Industries upon the State Auditor who shall draw warrants upon the State Treasurer for the amounts for which requisitions are made.

Section 5. If, at the end of a fiscal year, there shall be any net proceeds of the funds accrued under the provisions of this Act, such unexpended balance shall revert to the general funds in the State Treasury.

ARTICLE 44.

Section 1. Be it further enacted: That all laws and parts of laws in conflict with this Act shall be and the same are hereby repealed; provided that the provisions of this Act shall not repeal statutes pertaining to agriculture and industries, and related subjects, not expressly treated in whole or in part in this Act.

Section 2. Be it further enacted: That if any provision of this Act or the application thereof to any person or circumstances shall be held by the Supreme Court of the State to be unconstitutional, such holding shall not affect any other provision of this Act, or the application of such provision to other persons or circumstances, it being the intent and purpose hereof that each provision hereof shall stand or fall on its own merits and that the judicial annulment for unconstitutionality of any provision hereof shall have no effect upon any other provision not so annulled.

Section 3. Be it further enacted: That in lieu of any provision of this Act that shall be judicially annulled for unconstitutionality, the existing law at the time of the adoption of this Act governing that subject shall be and remain in full force and effect and shall take the place of and be substituted for the provision so annulled.

Section 4. Be it further enacted: That any person violating any provision of this Act shall be guilty of a misdemeanor and, upon conviction, unless otherwise provided in this Act, shall be fined not less than ten nor more than fifty dollars for the first offense and double that amount for each such succeeding offense.

Section 5. Be it further enacted: That this Act shall, except as may otherwise be provided for certain articles contained herein, go into effect on October 1, 1923.

Approved Sept. 27, 1923.

No. 380.)

(H. 922. Fite.

AN ACT

To provide for the approval of any contract or contracts, plans, specifications, architectural design and equipment for the erection of any court houses, jails and hospitals by the Court of County Commissioners and Boards of Revenue in all counties having a population of two hundred thousand or more according to the last or any subsequent Federal census.

Be it enacted by the Legislature of Alabama:

Section 1. That in all Counties in this State having a population of Two Hundred Thousand or more according to the last or any subsequent Federal Census, the Court of County Commissioners and Boards of Revenue in awarding any contract or contracts or accepting any plans, specifications or architectural designs for the erection of any Court Houses, Jails or Hospitals or the equipment for same shall be required to submit same to the presiding Judge of the Circuit Court of said County or Counties and the Circuit Solicitor of said County or Counties for their approval and no contract or contracts, plans, specifications or architectural designs for the erection of Court Houses, Jails or Hospitals, or the equipment for same, shall be binding on said Counties until same have been approved in writing by the presiding Judge of the Circuit Court of said County or Counties, and the Circuit Solicitor of said County or Counties.

Section 2. All laws, general and special, expressly or impliedly in conflict with the provisions of this Act are hereby expressly repealed and this Act shall take effect immediately upon its passage.

Section 3. That if any section or provision of this Act shall be declared unconstitutional or invalid that shall not affect or invalidate the remaining sections or provisions.

Approved Sept. 29, 1923.

No. 383.)

(H. 1003. Ashcraft of Lauderdale.

AN ACT

For the relief of M. M. Striplin, who in 1920 erected a school house in District No. 8, Lauderdale County, Alabama, according to the one teacher State building plan, at a cost of Sixteen Hundred Dollars, for which he thought the state would refund him Four Hundred Fifty Dollars upon his execution and delivery to the State of a conveyance of two acres of land on which said school building is located; and while the State has continuously used said building since its erection it has not accepted his deed nor paid him anything for said building.

Be it enacted by the Legislature of Alabama:

1. That whenever M. M. Striplin shall have executed and delivered to the State of Alabama a deed conveying a good title to that certain two acres of ground on which he erected a school house in District No. 8 in Lauderdale County, Alabama, in the fall of 1920, it shall be the duty of the State educational department to accept said deed and notify the State Auditor that the same has been so accepted.

2. That upon receipt of notice by the State Auditor that such conveyance has been made and accepted by the State it shall be his duty to draw a warrant on the State Treasury in favor of M. M. Striplin for the sum of Four Hundred Fifty Dollars.

3. That said payment when made shall be taxed against the amount of money allotted to Lauderdale County as State aid for Rural School buildings for the school year in which payment is made.

Approved Sept. 26, 1923.

No. 385.)

AN ACT

(H. 875. Fite.

To fix the salaries of Executive Officers, known and designated as marshals, in Inferior Courts in Counties having a population of 200,000 or more according to the last or any subsequent Federal Census.

Be it enacted by the Legislature of Alabama:

Section 1. That executive officers, known and designated as marshals, in Inferior Courts in Counties having a population of 200,000 or more, according to the last or any subsequent Federal Census, shall hereafter receive a salary of eighteen hundred dollars (\$1800.00) per annum, payable in equal monthly installments of one hundred fifty dollars (\$150.00) each out of the County Treasuries of such respective counties on warrants drawn thereon by the Judges of such Courts.

Approved Sept. 26, 1923.

No. 390.)

AN ACT

(H. 739. Goodwyn.

To fix the Compensation of Circuit judges in all Circuits of the State of Alabama which Circuits are composed of only one County and have two judges, or which Circuits may hereafter be composed of one county and have two circuit judges, and to provide that a portion of such salaries shall be paid out of the county treasury of the counties constituting the respective circuits.

Be it enacted by the Legislature of Alabama:

Section 1. That in all judicial Circuits of the State of Alabama, which are now, or may hereafter be composed of only one County, and having two judges, each of said Circuit Judges shall receive a salary of six thousand dollars per annum, Four thousand dollars of the salary of each of such judges shall be paid out of the State Treasury, in equal monthly installments, as the salaries of other State Officers are paid, and two thousand dollars of the salary of each of such judges shall be paid out of the County treasury of the County constituting such Circuit, in twelve equal monthly installments, upon the warrant of the president of the board of revenue of such County.

Section 2. That this Act shall be effective from the date of its approval by the Governor, and the payment of said salaries herein provided for shall commence on the first day of the month next after the approval of this Act by the Governor.

Section 3. That all laws, and parts of laws, in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Approved Sept. 26, 1923.

No. 391.)

(H. 575. Goodwyn.

AN ACT

"To Authorize County Boards of Education In The Several Counties Of This State, To Borrow Money For The Purpose Of Paying Debts Incurred Or Created By Such Boards, Or That May Be Incurred Or Created Until The First Day Of October, 1923, And To Issue Warrants Therefor Bearing Interest At A Rate Not Exceeding 6% Per Annum, Payable At Such Time As The Board May Fix Or To Use Such Warrants In The Payment Of Such Debts."

Be it enacted by the Legislature of Alabama, as follows:

Section 1: That the County Boards of Education of the several Counties of this State be and hereby are authorized and empowered to borrow money for the purpose of paying the debts incurred or created by such Boards respectively, which are unpaid, and such as may be incurred or created to the 1st day of October, 1923, and to issue warrants therefor, bearing interest at a rate not to exceed six per centum per annum, and payable at such time as the Board may fix, or to use such warrants in the payment of such debts; such warrants to be payable out of any school fund of the County issuing the same.

Section 2: That all laws, and parts of laws in conflict herewith be and hereby are, repealed.

Approved Sept. 26, 1923.

AN ACT

To provide for and create a lien in favor of all owners of peanut machines or pickers in the State of Alabama; to provide for the enforcement of such lien.

Be it enacted by the Legislature of Alabama:

Section 1. That every owner of a peanut machine or picker in the State of Alabama, shall have a lien paramount to all other liens upon all peanuts picked or threshed by him or by any person or persons in his employ, under any contract with the owner of such peanuts, for the amount agreed upon for such picking or threshing, and if such peanuts after being picked or threshed, should be removed without the knowledge or consent of the owner of such peanut machine or picker, the lien herein declared shall follow. The owner of such peanut machine or picker shall have the right to hold any peanuts so picked or threshed by him until the full amount of the charges due thereon shall have been paid. And such lien shall have priority over all other liens, mortgages or encumbrances, whether existing at the time of the commencement of such work or picking or threshing such peanuts or subsequently created.

Section 2. For the enforcement of such lien the owner of such peanut machine or picker, may have process of attachment from any Court having jurisdiction of the amount claimed, leviable upon the peanuts upon which the lien exists.

Section 3. Before such attachment shall issue the plaintiff, his agent or attorney must make affidavit of the amount of such charge, and stating that the same is due and unpaid; that the attachment is not sued out for the purpose of vexing or harassing of the defendant; that such attachment is necessary for the enforcement of such lien and the collection of such debt, and must describe therein the property on which the lien is claimed. And he must also execute bond in double the amount claimed, payable to the defendant, with sufficient surety, to be approved by the officer issuing the attachment, with condition that the plaintiff will prosecute the attachment to effect, and pay the defendant whatever damages he may sustain by the wrongful issuance of such attachment.

Section 4. The lien created under the provisions of this act shall be deemed waived or abandoned, unless proceedings for the enforcement of the same are commenced within six months after the debt or charges have accrued.

Section 5. Cases arising under the provisions of this Act shall stand for trial at the time, and shall be tried in the manner, and upon the notice required in other attachment cases.

Section 6. All property upon which a lien is created under

the provisions of this Act, or the proceeds thereof, in the hands of third parties shall be subject to garnishment for the enforcement and satisfaction of such lien; and such garnishment and the proceedings thereunder shall be governed by the laws in force in this State relating to other garnishments, so far as the same are applicable.

Section 7. That the lien hereby given and conferred by this act after the new Code adopted by this session of the Legislature becomes operative or goes into effect may be enforced in the manner provided therein for enforcing the same or similar liens as is provided for in this Act.

Approved Sept. 27, 1923.

No. 399.)

(H. 1009. Dowdle.

AN ACT

To fix the compensation of Assistant Solicitors in Circuits which are composed of only one County and having more than two and less than nine circuit judges or in circuits which may hereafter be composed of only one County having more than two and less than nine circuit judges, and to provide for such compensation to be paid out of the County Treasuries of the Counties constituting the respective circuits.

Be it enacted by the Legislature of the State of Alabama:

Section 1. That in all circuits of the State of Alabama which are composed of only one County having more than two circuit judges and less than nine circuit judges, or which may hereafter be composed of only one County, having more than two circuit judges and less than nine circuit judges, the Assistant Solicitor for such circuit shall receive an annual salary of \$2400.00, which shall be paid out of the County Treasury of such County in equal monthly installments.

Section 2. That all laws, or parts of laws, whether general, special or local, in conflict with this Act, are hereby repealed.

Section 3. This Act shall become effective upon its passage.

Approved Sept. 27, 1923.

No. 403.)

(H. 605. Lewis Bowen.

AN ACT

To authorize County Boards of Education in counties of two hundred thousand (200,000) or more population according to the Federal Census of 1920 or any subsequent Federal Census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That in each and every county in the State having a population of two hundred thousand (200,000) or more according to the Federal census of 1920, or any subsequent census the County Board of Education is authorized to create and maintain a pension fund for teachers.

Section 2. That in any such county the County Board of Education is authorized to deduct each month from the salaries of teachers an amount not to exceed one-third ($\frac{1}{3}$) of one (1) per cent of the monthly salaries of said teachers and place this amount to the credit of a fund to be designated as "Teachers' Pension Fund." Provided, that no deduction may be made from the salary of any teacher without his or her written consent.

Section 3. That the County Board of Education in any such County is authorized to accept gifts or bequests from any individual society or corporation, to dispose of gifts and bequests other than money, and place said gifts or bequests, or their money values, to the credit of "Teachers' Pension Fund."

Section 4. That the County Board of Education of any such county is authorized to make an annual appropriation from the county three mill tax school funds to the "Teachers' Pension Funds," provided, that the amount so appropriated shall not exceed one-fourth ($\frac{1}{4}$) of one (1) per cent of the annual three mill county school tax.

Section 5. That the County Board of Education in any such county is authorized and required to retire on a pension any teacher who has taught in this State twenty-five (25) years, or more, subject to the following provisions: (1) No teacher shall be eligible for a pension unless he has taught fifteen (15) years in the county from which he is claiming a pension. (2) No teacher shall receive a pension before reaching the age of sixty unless said teacher shall furnish proof that he has become by reason of accident or disease wholly incapacitated to pursue any gainful occupation. (3) A teacher shall be eligible for an annual pension not exceeding one third ($\frac{1}{3}$) of the annual salary he last received, provided, that no pension shall be granted for more than four hundred dollars (\$400) a year. (4) Any teacher, on approval of the Board of Education and the County Superintendent of Education may temporarily waive his right to a pension and continue teaching. (5) The provisions of this Act shall not inure to the benefit of any teacher who refuses to allow the monthly deductions from his salary as provided in Section One of this Act. (6) Provided that the County Board of Education shall deposit all monies accruing to the fund in some responsible banking institution which offers to pay the highest rate of interest thereon, to be paid quarterly and credited to such pension fund. "Provided this Act shall

never be so construed or enforced as to grant any extra compensation, fee or allowance to any public officer, servant or employee after services shall have been rendered, nor increase or decrease the fees and compensation of such officers during their term of office, nor shall it authorize the retirement of any officer on pay, or part pay, or make any grant to such retiring officer."

Approved Sept. 26, 1923.

No. 406.)

AN ACT

(H. 534. Hodgson.

To provide for the relief of H. W. Slaughter, of Baldwin County, Alabama.

Whereas, under date of July 30th, 1900, W. S. White, as Auditor of the State of Alabama, did issue a deed conveying all the right and title of the State of Alabama in the following described lands: All section No. 31, Township 3 N, Range 2 E, 572 acres, and all fractional of lot B. Section 30, Township 3 N, Range 2 E, 92 acres, lying and being situate in Baldwin County, Alabama, to H. W. Slaughter, his heirs and assigns forever, and

Whereas, the said H. W. Slaughter did pay to the State treasury the sum of \$68.00 as evidenced on page 26 of the State Auditor's report for the fiscal year ending Sept. 30, 1900, and

Whereas, the said State Auditor did issue his warrant No. 30451, as evidenced on page 107 of the report supra, in favor of Chas. Hall, Probate Judge of Baldwin County, Alabama, in the sum of \$32.48, this being the county's part of the proceeds of the above sale. And

Whereas, under date of July 17, 1923, G. L. Lambert, Probate Judge of Baldwin County, Alabama did issue a certificate showing that the above lands were Homestead entries under the laws of the Federal Government during the years 1907 to 1911 as shown in Tract Book No. 1, page 39, Baldwin County, and

Whereas, the above sale was erroneous, and

Whereas, the time limit has expired for the auditor to make refund in the regular course, Now Therefore,

Be it enacted by the Legislature of Alabama:

Section 1. The State Auditor is required to draw his warrant upon the State Treasurer out of any funds not otherwise appropriated in favor of H. W. Slaughter, for \$35.52, the net amount the State of Alabama received from such sale.

Section 2. The Board of Revenue or other like governing body of Baldwin County, Alabama, is required to draw a warrant on the County Treasurer or Depository in the sum of \$32.48, this being the amount Baldwin County received from such sale.

Section 3. This Act shall take effect upon its approval by the Governor.

Approved Sept. 27, 1923.

No. 409.)

(H. 1008. Kilborn.

AN ACT

To provide that in all cities in Alabama having a population of not less than 60,000 and not more than 150,000 according to the last Federal census of 1920, or any subsequent Federal census, which have adopted, or may hereafter adopt the general commission form of government, the Board of Road and Revenue Commissioners, or other governing body of the respective counties may pay to the Recorder for ex-officio services rendered by him in the trial of cases in the Recorder's Court wherein there is charged a violation of the laws of the State of Alabama, a sum not exceeding \$900.00 per annum payable in twelve equal monthly installments out of the County Treasury.

Be it enacted by the Legislature of Alabama:

Section 1. That in all cities in Alabama having a population of not less than 60000 and not more than 150000 according to the last Federal census, or any subsequent Federal census, which have adopted or which may hereafter adopt the general commission form of government, the Board of Road and Revenue Commissioners or other governing body of the respective counties may pay to the Recorder for ex-officio services, rendered by him in the trial of cases in the Recorder's Court wherein there is charged a violation of the laws of the State of Alabama a sum not exceeding \$900.00 per annum payable in twelve equal monthly installments out of the County Treasury.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved Sept. 27, 1923.

No. 413.)

(H. 1000. Fite.

AN ACT

To provide for the more efficient handling of juries in Circuit Courts of all counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, and to provide for the appointment of a jury bailiff and clerk of the Circuit Court of every such county, to designate his duties and fix his compensation, and to provide for the payment of such compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, the presiding judge of the Circuit Court of every such county shall appoint some suitable person, to be known as jury bailiff and clerk, who shall in such capacity act under the direction and general orders of such presiding judge, and shall serve particularly in connection with the civil division of such court, but elsewhere as needed. Such jury bailiff and clerk shall have charge and direction

of all juries organized and empaneled each week in the civil division of such Court, and shall during the week see that all jurors available for duty are distributed as needed among the several divisions of such Court as promptly and expeditiously as practicable, and shall further see that such jurors are dismissed or discharged when their services are no longer needed for the day or for the week. He shall, each week juries are in service in such Courts, make to the jury commission of such county a certified report of any and all ascertained errors in the names, addresses and occupations of the several jurors, and shall do and perform such other and further duties with respect to the weekly venire in such Courts as may be required of him by the judges presiding therein.

Section 2. That such jury bailiff and clerk shall receive an annual salary of twenty-four hundred (\$2400.00) dollars, payable in equal monthly installments out of the county treasury on the warrant of a Circuit judge of such county, in the same manner as other bailiffs are paid.

Section 3. This Act shall take effect on its passage and its approval by the Governor.

Approved Sept. 27, 1923.

No. 415.)

AN ACT

(H. 1018. Tunstall.

To make an appropriation for the necessary repair, maintenance and furnishing of the Governor's Mansion.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated the sum of Four Thousand (\$4,000.00) Dollars for the purpose of making necessary repairs, maintenance and furnishing the Governor's Mansion.

Section 2. The sum of Four Thousand (\$4,000.00) Dollars hereby appropriated is to be expended and paid out by warrant on the State Treasurer when ordered by the Governor and upon vouchers to be approved by the Governor.

Approved Sept. 27, 1923.

No. 417.)

AN ACT

(H. 319. Williams.

To amend Section 7814 of the Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama as follows: That Section 7814 of the Code of Alabama, 1907, be and the same is hereby amended so as to read as follows: Section 7814.—Certain acts prohibited on Sunday; punishment. Any person who

compels his child, apprentice or servant to perform any labor on Sunday, except the customary domestic duties of daily necessity or comfort, or works of charity; or who engages in shooting, hunting, gaming, card playing, domino playing or racing on that day; or who, being a merchant or shopkeeper, druggist excepted, keeps open store on that day, must be fined not less than ten nor more than one hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than three months; but the provisions of this section do not apply to the running of railroads, stages, or steamboats, or other vessels navigating the waters of this State, or any manufacturing establishment which requires to be kept in constant operation. Provided further, that nothing herein shall prevent the sale of gasoline or other motor fuels or motor oils on Sunday.

Approved Sept. 27, 1923.

No. 418.)

AN ACT

(H. 960. Graves.

To make an additional appropriation for the enforcement of the laws of the State.

Be it enacted by the Legislature of Alabama:

Section 1. That an additional annual appropriation of Fifty Thousand Dollars is hereby made out of any moneys in the treasury not otherwise appropriated to be used by the Governor for the enforcement of the laws of the State only in emergencies making the use of the money necessary in the opinion of the Governor.

Approved Sept. 26, 1923.

No. 420.)

AN ACT

(H. 947. Fite.

To amend An Act entitled "An Act to provide a fund for support of a Law Library for the Circuit Court in Counties of two hundred thousand or more inhabitants, without appropriations from the State or County Treasury," Approved September 29th, 1919.

Be it enacted by the Legislature of Alabama: That an Act entitled "An Act to provide a fund for support of a Law Library for the Circuit Court in Counties of two hundred thousand or more inhabitants, without appropriations from the State or County Treasury," be and the same is hereby amended so as to read as follows:

Section 1. That in all civil (including equity) cases hereafter filed in or brought by appeal or certiorari to the Circuit Court, of counties of two hundred thousand or more inhabitants

there shall be taxed as costs, the sum of two dollars in each case to be collected as other costs are collected, and to be paid to the clerk of such Circuit Court. That said sum of two dollars shall be called the "Library Tax" and shall be expended by the Circuit Court of such county by orders of the presiding Judge thereof, for maintaining a Law Library for such Circuit Court.

Section 2. That this Act shall not apply to cases filed by municipalities for the purpose of selling property for the collection of taxes due such municipalities. It is the intent of this Act that it be construed as retroactive, and that such Library tax shall be collected in no case filed by any municipality for the purpose of collecting taxes due such municipality since the passage of the Act approved September 29, 1919. That in the event any Register of the Circuit Court in such Counties has failed to collect said Library tax that he and the sureties on his bond are relieved from any liability whatsoever for the same.

Section 3. That all laws or parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 4. That this Act shall go into effect immediately after its passage.

Approved Sept. 27, 1923.

No. 423.)

AN ACT

(H. 192. Goodwyn.

To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State and to provide for the creation of a Board of Pharmacy for service in connection with such sale, giving away, or other disposition.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act, it shall be unlawful for any person not licensed as a pharmacist within the meaning of this Act, to conduct or manage any pharmacy, drug store, apothecary shop, or other place of business, for the retailing, compounding, or dispensing of any drugs, medicines, or poisons, or for compounding of Physicians' prescriptions, or to keep exposed for sale, or to retail any drugs, medicines or poisons, except as hereinafter provided, or for any person not licensed as a pharmacist within the meaning of this Act, to compound, dispense or sell at retail any drug, poison, or medicinal preparation upon the prescription of a Physician or otherwise, or to compound Physicians' prescriptions except as an aid to or under the supervision of a person licensed as a Pharmacist under this Act, and it shall be unlawful for any owner, or manager of a pharmacy or drug store, or other place of business, to cause or permit any other than a person licensed as a Pharmacist, or assistant Pharmacist, or apprentice, to com-

pound, dispense, or sell at retail any drug, medicine, or poison, except as an aid to, or under the supervision of a person licensed as a Pharmacist or assistant Pharmacist; Provided, however, that nothing in this section shall be construed to interfere with any legally licensed practitioner of medicine, veterinary surgery, or dentistry, in the compounding or dispensing of his own prescriptions, nor with the exclusive wholesale business of any dealer who shall be licensed as a Pharmacist, or who shall keep in his employ at least one person who is licensed as a Pharmacist; nor with the sale of poisonous substances which are sold exclusively for use in the arts; or for use as insecticides, when such substances are sold in unbroken packages, bearing a label having plainly written upon it the name of the contents, and the word, "poison," and also the name of at least two readily obtainable antidotes. Provided Further, that in a village of not more than five hundred inhabitants, according to the last census taken and authorized by an act of the Congress of the United States, or in towns where there is no person licensed as a Pharmacist, the Board of Pharmacy, hereinafter provided for, may grant to any person who is licensed as assistant Pharmacist, a permit annually to conduct a pharmacy or drug store in such town or village, which permit shall not be valid in any other than the place designated in the permit. "Provided, however, that nothing in this section shall be so construed as to apply to the sale of patent and proprietary medicines or the ordinary household remedies, and such drugs or medicines as may be specified by said Board of Pharmacy, shall be permitted to be sold by those engaged in the sale of general merchandise or wholesale or retail groceries." Provided Further, that nothing in this Section shall be so construed as to prevent any person, firm or corporation from owning a pharmacy, drug store, or apothecary shop, provided such store shall be in charge of a licensed Pharmacist. And, Provided Further, that the said Board of Pharmacy may grant to any legally licensed practicing Physician, in such town or village, an annual permit to conduct a pharmacy, drug store, apothecary shop in such town or village, subject to the provision of this Act.

Section 2. Every person who shall hereafter be licensed as a Pharmacist, or assistant Pharmacist, in this State, shall file with the secretary of the Board of Pharmacy an application duly certified under oath setting forth the name and age of the applicant, the place, or places, at which and the time spent in the study of the science and art of pharmacy and experience of the compounding of physicians' prescriptions which the applicant has had under the direction of legally licensed pharmacist accompanied by affidavits from employers showing same, and shall appear at the time and place designated by said Board of Pharmacy, and submit to a theoretical and practical examina-

tion as to his qualifications for registration as a licensed Pharmacist, or Assistant Pharmacist, as may be specified by said Board of Pharmacy.

Section 3. In order to be licensed as a Pharmacist within the meaning of this Act, an applicant must be not less than twenty-one years of age, of good moral character, and shall have been licensed as an assistant Pharmacist for not less than two years prior to his application for license as a Pharmacist, or shall present to the said Board of Pharmacy satisfactory evidence that he has had not less than four years' practical experience in a pharmacy under the supervision of a licensed Pharmacist, which experience shall include work directly related to selling drugs and poisons, compounding of Pharmaceutical preparations and physicians' prescriptions, and keeping of records and making reports required under the State and Federal Statutes; or two years' practical experience, as above provided, and shall have graduated in pharmacy at a school or college of pharmacy, recognized by said Board of Pharmacy, and also passed a satisfactory examination by or under the direction of said Board of Pharmacy; Provided Further, that on and after January 1st, 1927, any applicant for a certificate as a licensed pharmacist shall be at least twenty-one years of age and a graduate of a Class A college of pharmacy, that is, one holding membership in the American Conference of Pharmaceutical Faculties. It is Further provided, that on and after January 1st, 1927, no assistant's License as a Pharmacist shall be issued by the Board of Pharmacy. It is further provided that a committee of five consisting of the Dean of the College of Pharmacy at Auburn and the Associate Professor of Pharmacy at Auburn and three to be appointed by the Alabama Pharmaceutical Association at its annual meeting each year shall have the power to pass upon the Colleges of the United States who are entitled to come within the meaning of "A" Grade Colleges within the meaning of this Act.

Section IV. Should said Board of Pharmacy determine that the applicant possesses the necessary qualifications as to experience, character and education, it shall enroll his name upon the register of Pharmacists, or assistant Pharmacists, as the case may be, and issue to him a license which shall entitle him to practice as a Pharmacist or assistant Pharmacist, until December 31st, of the year in which said license was issued. Whenever a license or permit has been granted under the provisions of this Act, said Board of Pharmacy may, after the notice and hearing, revoke such license or permit for the following causes: Immoral or reprehensible conduct, drunkenness, or becoming addicted to the use of narcotic drugs.

Section V. Said Board of Pharmacy may, in its discretion,

issue a license to practice as Pharmacists, or assistant Pharmacists, in the State of Alabama without examination, to such persons as have been legally registered or licensed as Pharmacists or assistant Pharmacists in other States, or foreign countries, provided the applicant for such license shall present satisfactory evidence of qualifications, as may be required by the said Board of Pharmacy, which are equal to those required from licentiates in this State, and that he was registered or licensed by examination in other States or foreign countries, and that the standard of competency required in such other States, or foreign countries is not lower than that required in this State, and, provided also, that the Board of Pharmacy is satisfied that such other States, or foreign countries accords similar recognition to the licentiates of this State. Nothing in this Act shall be so construed as to prevent any person from securing a license as a Pharmacist, or assistant Pharmacist, who could have fulfilled the requirements and secured a license under the reciprocal relationship existing under the law between this State and other States, or foreign countries, prior to January 1st, 1925. Applicants for license under this Section shall, with their application, forward to Secretary of said Board of Pharmacy the sum of Ten (\$10.00) Dollars.

Section VI. Every person to whom a license has been issued shall within thirty days next preceding the expiration of this license, which shall be on the 31st day of December of the year issued, file with the Secretary of the said Board of Pharmacy an application for renewal thereof, or, at his option, may apply for, and if proper, receive a license to cover the term of his natural life, which application shall be accompanied by the fees hereinafter prescribed. If the said Board of Pharmacy shall find that such person is entitled to a renewal of license, or to a renewal of such permit, said Board shall issue to such applicant a certificate attesting that fact. If any Pharmacist or assistant Pharmacist shall fail for a period of sixty days after the expiration of his license, to make application to said Board of Pharmacy for its renewal, his name shall be erased from the register of licensed Pharmacists or assistant Pharmacists, and such person to again become registered as a licensed Pharmacist, or assistant Pharmacist, shall be required to pay the same as in the case of original registration, provided that his application for renewal is filed within two years from the expiration of his license. Should the application be filed after the expiration of two years, then the applicant must stand the examination before said Board of Pharmacy, as if he was originally applying for a license.

Section VII. Every certificate or license to practice as a Pharmacist, and every permit to an assistant Pharmacist, or

other permit to conduct a pharmacy, drug store, or apothecary shop in towns or villages, as provided in Section I of this Act, and every renewal of such license or permit shall be conspicuously exposed in the pharmacy, or store, or place of business of which the Pharmacist, or assistant Pharmacist, or Physician to whom permit is issued, is the owner or manager, or in which he is employed. The name of the owner or responsible manager of every pharmacy, drug store, or apothecary shop, shall be conspicuously displayed upon the outside of such place of business. All Pharmacists now licensed, or hereinafter licensed by the Board of Pharmacy, shall be required to record within thirty days after the passage of this Act, or within thirty days after the granting thereof, or in case of removal to another County, within thirty days after such removal, the license in the Probate Office of the County in which he practices his profession.

Section VIII. Said Board of Pharmacy shall consist of five persons, members of the Alabama Pharmaceutical Association, not connected with any school of pharmacy, licensed as Pharmacists, with at least ten years' practical experience, and actively engaged in the practice of pharmacy in the State of Alabama, who shall be appointed by the Governor for a term of five years, or until their successors are appointed. The now existing State Board of Pharmacy heretofore appointed shall continue in office, and act as the State Board of Pharmacy with all the duties and powers as herein provided until the term of the said members respectively expire. The vacancies, as they annually occur, to be filled in accordance with the requirements of this Act. Annually, hereafter, the Alabama Pharmaceutical Association shall submit to the Governor the names of five persons eligible to appointment, and from this number, or from others, the Governor shall appoint one member to fill the vacancy annually occurring on said Board of Pharmacy, and vacancies occurring for any other cause, shall be filled in like manner. It shall be the duty of each member of said Board of Pharmacy, within ten days after the receipt of notification of his appointment and commission, to appear before the Judge of Probate of the County in which he resides to take and subscribe to an oath to properly and faithfully discharge the duties of his office, according to law. Provided that no two members of said State Board of Pharmacy shall reside in the same County.

Section IX. Annually said Board of Pharmacy shall organize by the election of a President, and a Secretary, and Treasurer, all of whom shall be members of said Board, except the Secretary, who shall hold their respective offices for one year, and until their successors shall have been elected and qualified. The Secretary and Treasurer shall each give bonds in such sums as may be prescribed by said Board of Pharmacy, conditioned

to discharge the duties of their several offices according to law. Provided, that such bonds shall be made payable to said Board of Pharmacy and approved by the President of said Board. Said Board of Pharmacy shall hold an annual meeting, at such time and place as it may provide by rule, for the examination of candidates, and for the discharge of such other business as may legally come before it, and said Board may hold such additional meetings, as may be necessary for the examination of candidates, and for the discharge of any other business.

Section X. Said Board of Pharmacy shall have a common seal, and shall have the power and authority to define and designate non-poisonous domestic remedies, adopt such rules, regulations and by-laws, not inconsistent with the laws of this State, as may be necessary for the regulation of its proceedings, and for the discharge of the duties imposed under this Act, and shall have power and authority to employ an Attorney to assist in prosecutions under this Act, and for any other assistance which said Board may deem necessary. Said Board of Pharmacy shall keep a record of its proceedings, and a register of all persons to whom certificates of license as Pharmacists or assistant Pharmacists have been issued, and also shall keep a register of all apprentices and permits granted, and all renewals thereof; and the books and register of said Board of Pharmacy, or a copy of any part thereof, certified by the Secretary, attested by the seal of said Board of Pharmacy, shall be taken and accepted as competent evidence in Courts in the State. The said Board of Pharmacy shall make annually to the Governor, and to the Alabama Pharmaceutical Association, written report of its proceedings, and of its receipts and disbursements under this Act, and a list of all the persons licensed to practice as Pharmacists and assistant Pharmacists, and to whom permits are issued in this State. A majority of said Board shall constitute a quorum for the transaction of all business. Any member of said Board of Pharmacy shall have the power to administer oaths in all matters pertaining to the discharge of the duties committed to said Board of Pharmacy under this Act.

Section 11. The Secretary of said Board of Pharmacy shall receive such salary as may be prescribed by said Board, and his necessary expenses while engaged in the performance of his official duties. The other members of the Board of Pharmacy shall each receive the sum of Ten (\$10.00) Dollars for each day actually employed in the discharge of their official duties, and their necessary expenses while engaged therein. All fees collected by the Secretary for the examination of Pharmacists and assistant Pharmacists, and for the issuing of permits, and the enrolling of apprentices, authorized by this Act, and for the renewal of certificates of registration, and all other funds collected by the Secretary of the Board of Pharmacy under this

Act, shall by him be paid over to the Treasurer of said Board, and shall be placed to the credit of a fund which is hereby appropriated solely for the use of the Board of Pharmacy. The compensation and expenses of the Secretary and members of said Board of Pharmacy, and all expenses incurred by said Board of Pharmacy in carrying out the provisions of this Act, shall be paid out of said funds upon warrants issued upon the Treasurer, and signed by the President and Secretary of said Board of Pharmacy.

Section 12. Said Board of Pharmacy shall have the power to, and it shall be the duty of, the said Board of Pharmacy to investigate all alleged violations of this Act, or any other law of this State regulating the dispensing or sale of drugs, medicines or poisons, or the practice of pharmacy; also it shall be the duty of the person, or persons, charged with the enforcement of the Pure Food and Drug Act, or Acts of this State, to take such samples and to prosecute any violation of the provisions of this Act, under the direction of the Board of Pharmacy, and whenever there has been a violation of said laws, it shall be the duty of said Board to call all such violations to the attention of the Circuit or County Solicitor of the County in which said violations occur, whose duty it shall be to prosecute any and all violations of this Act.

Section 13. Said Board of Pharmacy shall be entitled to charge and collect the following fees: For the examination of an applicant for a license as Pharmacist, Ten (\$10.00) Dollars; for the examination of an applicant for a license as an assistant Pharmacist, Five (\$5.00) Dollars; for enrolling as apprentice Two (\$2.00) Dollars; for renewing a license of a Pharmacist, an assistant Pharmacist, or Physician holding permit, One (\$1.00) Dollar; for issuing a life certificate to a Pharmacist Ten (\$10.00) Dollars; for issuing a permit to an assistant Pharmacist to conduct a drug store in town of not more than five hundred inhabitants, where there is no licensed Pharmacist, one (\$1.00) Dollar; and one (\$1.00) Dollar for such renewal thereof; all fees shall be paid before any applicant may be admitted to examination, or his name placed upon the register of Pharmacists or assistant Pharmacists, or before any license or permit, or any renewal thereof, may be issued by said Board.

Section 14. It shall be unlawful for any person, firm or corporation to sell, furnish, or give away any cocaine, alpha, or beta eucaïne, opium, morphine, heroin, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substance or their salts, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated, and shall contain the name of the person for whom prescribed, or if

ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order. Such written order or prescription shall be preserved on file for a period of not less than two years by the person, firm or corporation, who shall compound or dispense the article ordered or prescribed, and it shall not be again compounded or dispensed, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made, or delivered to any person, but the original shall at all time be open to inspection by the prescriber and properly authorized officers of the law. Provided However, that the provisions of this Act shall not be construed to apply to the manufacture, sale, distribution, giving away, dispensing or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or, if a solid or semi-solid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use, only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine, or any of their salts or any synthetic substitute for them: Provided, that such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this Act. Provided Further, that any manufacturer, producer, compounder, or vendor, (including dispensing physician) of the preparations and remedies mentioned in this Section shall keep a record of all sales, exchanges, or gifts of such preparations and remedies in such manner as the Board of Pharmacy shall direct. Such record shall be preserved for a period of two years in such a way as to be readily accessible to inspection by any officer, agent or employee of the State Board of Pharmacy. And Provided Further, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers, to retail druggists or qualified physicians, or to each other, nor to sale at retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, or to each other, nor to sales made to manufacturers of proprietary or pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine, to furnish to, or to prescribe for, the use of any habitual user of the same, any cocaine, heroin, alpha, or beta eucaine, opium,

morphine, or any salt or compound of any of the foregoing substances, or any preparation containing any of the foregoing substances, or their salts or compounds. And it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being. Provided however, that the provisions of this Section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this Act.

Section 15. Any person not qualified under the provisions of this Act to buy and sell narcotic drugs, who has been issued or who has in his possession a Federal license to buy and sell narcotic drugs, such as opium, and its derivatives, cocaine and its salts, beta and alpha eucaine, shall be considered a violator of the provisions of Section 14 of this Act, and the fact that he has been issued such Federal license or has such license in his possession, shall be taken as prima facie evidence against him.

Section 16. That it shall be unlawful for any person to retail any poisons enumerated in Schedule "A" and "B" which are as follows, except upon the conditions hereinafter named: Schedule "A" Arsenic and its preparations, Bismuthide or Mercury, Cyanide of Potassium, Carbolic Acid, Hydrocyanic Acid, Strychnine, and all other poisonous alkaloids and their salts not included in Section 14 of this Act, and the essential oil of bitter almonds, Schedule "B"—Aconite, Belladonna, Colchicum, Conium, Nux Vomica, Henbane, Savin, Ergot, Cotton Root, Contrarides, Creosote, Veratrum, Digitalis, and their pharmaceutical preparations, Croton Oil, Chloroform, Sulphate of Zinc, Corrosive Sublimate, Red Precipitate, White Precipitate, Mineral Acids, and Oxalic Acid. Provided that any of the poisons hereinabove included in Schedule "A" may be legally sold by any registered Pharmacist, but he shall before delivering the same to the purchaser, cause an entry to be made in a book kept for that purpose, stating the date of sale, name and address of purchaser, the name of poison sold and the amount, the purpose for which it was represented by the purchaser to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least three years. Provided Further, that any of the poisons hereinabove named in Schedule "B" may be legally sold, but only on the condition that the person, firm, corporation, selling or

furnishing the same shall label the box, vessel or paper in which the said poison is contained with the word "Poison," and the name and place of business of the seller. Nor shall it be lawful for any registered Pharmacist to sell or deliver any poisons enumerated in Schedule "A" and "B" above, unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for legitimate purposes. The provisions of this Section shall not apply to the dispensing of poison in not unusual quantities or upon the prescriptions of practitioners of medicine.

Section 17. Every proprietor, or manager of a pharmacy, drug store or apothecary shop, shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than five years, the original or the copy of same, of every prescription compounded or dispensed at such store or pharmacy, numbering, dating, and filing them in the order in which they are compounded, and shall produce the same in Court, or before any Grand Jury, whenever lawfully required to do so. And upon request, the proprietor or manager of such store shall furnish to the prescribing physicians, furnished to the person for who such prescription was compounded, or dispensed, a true and correct copy thereof, and said book or file, shall at all times be opened for inspection by duly authorized officers of the law. Provided that no copies be given of prescriptions containing any of the substances included in Section 14 of this Act. Every proprietor or manager of a pharmacy, drug store, or apothecary shop, shall keep in his place of business the latest edition of the United States Pharmacopoeia and National Formulary.

Section 18. Whoever not being licensed as Pharmacist, shall conduct or manage any Drug Store, Pharmacy, or any other place of business for the compounding, dispensing or sale at retail any drugs, medicines, or poisons, or for the compounding of physicians' prescriptions, contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, and each week, or part thereof, that such drug store or pharmacy, or other place of business, is so unlawfully conducted, shall constitute a separate and distinct offense. Whoever not being licensed as a Pharmacist, or assistant Pharmacist, shall compound, dispense, or sell at retail any drug, medicine, or poison or medicinal preparation, either upon a physicians' prescription or otherwise, and whoever being the owner or manager of a drug store, pharmacy, or place of business, shall cause or permit any one not licensed as a Pharmacist, or assistant Pharmacist to dispense, sell at retail, or compound any drug, medicine, poison, physician's prescription contrary to the provisions of Section 1 of this Act, shall be

deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty Dollars, nor more than Two Hundred Dollars. Any license, or permit, or renewal thereof, obtained through fraud, or by any false or fraudulent representation shall be void and of no effect at law. Any person who shall willfully make a false affidavit for the purpose of procuring a license or permit, or renewal thereof, either for himself, or for another, shall be deemed guilty of perjury, and, upon conviction thereof, shall be subject to like punishment as in other cases of perjury. Whoever being the holder of any license or permit, or renewal thereof, shall fail to display it in a conspicuous position in the place of business in which such license or permit relates, or in which the holder thereof is employed, contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars, and each week or part thereof that such license, permit or renewal shall not be exposed shall be held to constitute a separate and distinct offense, and whoever being the holder of any license or permit, and without renewing the same, shall continue to carry on his business for which such license or permit was granted, contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars. Any person who shall violate any of the provisions of Section 7 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Fifty (\$50.00) Dollars nor more than Two (\$200.00) Hundred Dollars. Any person who shall violate any of the provisions of Section 14 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars, and upon conviction for second offense, shall be fined not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, and upon conviction for a subsequent offense, shall be fined not less than Five Hundred (\$500.00) Dollars, and shall be sentenced to hard labor for the County for not more than six months, and if a licensed Pharmacist, or assistant pharmacist, his license shall be revoked by said Board of Pharmacy. The Court record of the convictions shall be accepted as competent evidence. It shall be the duty under this Act, of all Judges at every term of their Courts to charge all regularly empanelled Grand Juries of their Courts to diligently inquire into, and investigate all cases of the violations of any provisions of this Act, and to make true presentment of all persons guilty of such violations. It shall be the duty of said Board of Pharmacy to cause the prosecution of all

persons violating any provisions of this Act. No prosecution shall be brought for the sale of any patent or proprietary medicine containing any of the drugs or preparations hereinbefore mentioned until said Board of Pharmacy shall certify that such medicine contains any of the said drugs or preparations in excess of the minimum percentage hereinbefore mentioned. Whoever shall violate any of the provisions of Sections 15 and 16 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-five (\$25.00) Dollars, nor more than one Hundred (\$100.00) Dollars. Whoever shall fail to preserve the original of any prescription, or a true copy of the same, or to produce same when lawfully required, in accordance with the provisions of Section 17 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars. Any person who shall conduct or manage any drug store, pharmacy, or apothecary shop, who shall fail to keep in his place of business the latest edition of the United States Pharmacopoeia and National Formulary as provided in Section 17 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Ten (\$10.00), nor more than Fifty (\$50.00) Dollars. Whoever not being legally licensed as a Pharmacist, apothecary, or any other title of similar import, shall take or exhibit the title of Pharmacist contrary to the provisions of Section 7 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars, nor more than Two Hundred (\$200.00) Dollars.

Section 19. All laws, or parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed, and should any part of this law be declared unconstitutional, the parts not so declared unconstitutional, shall remain in full force and effect.

Section 20. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved Sept. 27, 1923.

No. 424.)

AN ACT

(H. 648. Holcombe.

To propose to amend Section 194½ of the Constitution of Alabama so as to exempt certain persons who served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes and to qualify such persons to vote or hold office in the State of Alabama and to order an election by the qualified electors of the State upon such proposed amendment to be held "at the next general election after the final adjournment of the present session of the Legislature."

Be it enacted by the Legislature of Alabama:

Section 1. That it is proposed to amend Section 194½ of the Constitution of Alabama and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is at the next general election after the final adjournment of the present session of the Legislature" at which this amendment is proposed. It Is Proposed That Section 194½ Of The Constitution Of The State Of Alabama Be Amended So As to Read As Follows: Section 194½. No person who honorably served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama; such persons shall be exempt from the payment of all poll taxes which have accrued or may hereafter accrue. This section shall be self-executing and retroactive. The Judge of Probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following: "Shall the following proposed amended section 194½ of the Constitution of Alabama be adopted?" "No person who honorably served in the Military or Naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama: such persons shall be exempt from the payment of all poll taxes which have accrued or may hereafter accrue. This section shall be self executing and retroactive. The Judges of Probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor." "Yes....." "No."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Approved Sept. 27, 1923.

No. 425.)

(H. 379. Guy.

AN ACT

To designate a certain public road of Alabama as a State trunk road and to provide the manner in which said road shall be located, improved and maintained.

Be it enacted by the Legislature of Alabama:

1. That the following described road be declared a State trunk road. Road No. That certain road designated as follows: Beginning at Montgomery along what is known as the Mobile Road or Old State Road, to Pintlala School, thence through the Towns of Davenport, Sandy Ridge, Fort Deposit, and thence to Greenville, thence West through the following communities, Liberty, Pine Flat, Awin to Pine Apple, Camden, Catherine, Thomaston, Linden, Jefferson, Moscow, Coatopa, Livingston, York, Cuba and on to the State line between Alabama and Mississippi.

2. That the location of said road between the points mentioned in Section 1 of this Act shall be established and designated by the State Highway Department as early as practicable and without unnecessary delay, and the improvement and maintenance of said road as one of the State trunk roads shall be in accordance with the standards established by the State Highway Department and subject to the approval of the Highway Department.

2½. That said road shall take its name from the present governor and that it shall be known, after the passage of this Act, as the Brandon Highway.

3. That all laws and parts of laws local, general and special in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Sept. 26, 1923.

No. 426.)

(H. 782. Mrs. Wilkins.

AN ACT

To provide further for appropriations to the State Board of Health for the purpose of promoting further the public health of the State and the several counties thereof:

Be it enacted by the Legislature of Alabama:

Section 1. In addition to any and all other appropriations now made or to be hereafter made there is hereby appropriated annually the sum of \$55,000.00 for the public health work of the State of Alabama, which sum shall be known as the County Organization Fund and shall be available October 1, 1923; and shall be used as a State aid fund for the organization and the promotion of public health work in the several counties of the State. This fund shall be available to any county whenever such county shall make an appropriation of an adequate sum of money to be approved by the State Board of Health in an amount necessary to do effective work. All counties which shall be found organized for this work on October 1, 1923, may share in this appropriation from that date. The several counties shall be selected and designated by the State Board of Health; and the sum of \$2,500.00 shall be expended in each county designated through the county board of health by the State Board of Health, or under its direction by its executive officer. Any county failing to comply with the rules prescribed by the State Board of Health at any time before or after being organized shall forfeit its right to share in this fund. All of said sums of money having been appropriated shall be paid in monthly installments to the State Health Officer on his requisition approved by the Governor and through warrants by the Auditor on the State Treasurer.

Approved Sept. 27, 1923.

No. 427.)

(S. 375. Powell.

AN ACT

To subject the salary of officials and employees of a city, county or state government, or any department or institution thereof, to writs of garnishment, issued on judgments *ex-contractu* founded upon debts, demands or claims, which originated subsequent to the date of approval of this Act; to provide upon whom such writs may be served, and how answered; and to provide for service of writ upon an official or agent of the State, the answer to said writ by such agent or official, the judgment thereon, and the legal effect of such service, and judgment.

Be it enacted by the Legislature of Alabama:

Section 1. Money due officials or employees of a city, county, or state government, or any department or institution there-

of; as salary for services performed for or on behalf of said city, county or state, or any department or institution thereof, may be garnished. In such cases, the writ of garnishment may be served on the person authorized by law to draw the warrant on the treasury of said government, or to issue a check for such salary so due, and such person shall be required to answer said writ in accordance with the mandate thereof, and as provided by law. The term salary, as herein used, is not intended to include or cover costs and charges of court, or fees, commissions, percentages or allowances of public officers, and such are not subject to writs of garnishment under the provisions of this act. The salary herein referred to is not subject to a writ of garnishment in aid of a pending suit, but such writ may issue only after final judgment or decree, on which execution can issue, rendered in actions on contracts, or growing out of contracts express or implied, and being judgments ex-contractu. Provided, however, that the judgment, on which such writ can issue, must be founded upon a debt, demand or claim against said Defendant, which originated subsequent to the date of the approval of this Act, and the salary herein referred to is not subject to writ of garnishment issued on judgments ex-delicto.

Section 2. Where an Official of the State of Alabama or other person herein designated, has been garnished, as provided by the preceding section, and answer has been filed by said person, in accordance with the mandate of said writ, admitting that the said State of Alabama is due, or will be due, the Defendant in said garnishment proceedings, money for salary, and has said money ready for payment when due, the said answer must also show the assent of said person that judgment may be entered in said cause for the amount shown in said answer, or so much thereof as may be necessary to satisfy Plaintiff's judgment. And in no case shall judgment against said Official, or other person herein designated, as the Agent of the State, be entered on said answer, or in said garnishment proceedings, unless such assent and consent to said judgment is shown in said answer. When such final judgment is so entered, after trial of said proceedings, the said judgment shall be against the Official or person returning said answer, as such Official or agent of the State of Alabama, as garnishee, and said judgment shall show that said Official or person, as such Agent of the State, consented that such judgment be entered in said garnishment proceedings. After such writ has been served, as provided in the preceding section, the said agent of the State shall draw no warrant or check for the money due such defendant, as salary, and included in the answer filed in said garnishment cause, until said garnishment proceedings have terminated, unless said writ is dissolved in the manner

provided by the statutes. And after final judgment condemning said money, as herein provided, said agent of the State may draw warrant or check for the money so condemned and deliver same to the Clerk of the Court, or to the Court, where such judgment was obtained.

Section 3. If any section, or portion thereof, or any provision of this act, shall be found and held to be invalid, that fact shall not have the effect of rendering invalid or inoperative any other portion or provision of this act, which is not of itself and in itself unconstitutional or invalid.

Approved Sept. 26, 1923.

No. 428.)

(S. 292. Powell.

AN ACT

To provide for the payment of mileage and per diem to members of certain recess committees of the Legislature of 1923.

Be it enacted by the Legislature of Alabama:

Sec. 1. Where recess committees of the Legislature of 1923 continued in session for a greater number of days than provided by the resolutions or law authorizing such committee, the members and the clerk of such committee shall be entitled to receive \$10.00 per day for each extra day served.

Section 2. Members and the clerks of recess committees of the Legislature of 1923 who, in the discharge of the duties of such committee traveled beyond the time heretofore provided for such committees, and who expended money in such travels and have not received payment for such expenses, shall receive four cents (4c) per mile for each mile traveled on a railroad, and where the traveling was otherwise than on a railroad they shall receive the actual expenses of such travel.

Sec. 3. This bill shall take effect immediately upon its passage and approval.

Approved Sept. 26, 1923.

No. 430.)

(S. 71. Slone.

AN ACT

To amend Section five (5) of an Act, approved September 25, 1915, and entitled, "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations."

Be it enacted by the Legislature of Alabama:

1. That section five (5) of an Act approved September 25, 1915, and entitled, "An act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy

solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations," be amended so as to read as follows: Sec. 5. There shall be paid out of the county treasury, except as herein otherwise provided, to the deputy solicitor of the county an annual salary, in equal monthly installments, of five hundred dollars (\$500.00) in counties having less than twenty thousand population, according to the last preceding Federal census; and in counties having twenty thousand and population and less than thirty thousand population, six hundred dollars (\$600.00); and in counties having thirty thousand and less than forty-five thousand population, nine hundred dollars (\$900.00); and in counties having more than forty-five thousand population and not exceeding seventy-five thousand population, twelve hundred dollars (\$1,200.00), which shall be in lieu of all fees or compensation allowed by law to such county solicitor, and the payment of said salary to be by warrant of the probate judge of the county drawn on the treasurer thereof, the population to be determined by the last Federal census preceding the time of the payment of the salaries. Provided that in counties where circuit or county court is held at more than one place in said county the deputy solicitor shall receive an annual salary of nine hundred dollars (\$900.00) payable in the same manner as other deputy solicitors are paid. Provided, however, that in circuits of more than one county and not more than three, and having two judges, and there is now a solicitor of the law and equity court in any such county who is receiving for his services fees for prosecuting criminal cases in such law and equity court, such solicitor shall, until the expiration of his present term be the sole deputy solicitor of such county and during such time shall receive all solicitor's fees paid into the county treasury on account of convictions that may be had in the county court of such county. And provided further, that in all counties not herein otherwise provided for, other than in circuits of five counties having two judges, in which there is now a law and equity court, or court of like jurisdiction having a solicitor whose term will not expire before the first Monday after the second Tuesday in January, 1917, such solicitor until the expiration of his present term shall be the sole deputy solicitor for the county and shall receive as compensation for his services all solicitor's fees collected for convictions in the county court. The payment of all fees to be received by deputy solicitors hereunder shall be by warrant of the probate judge of the county, drawn on the treasurer thereof. Where an appeal is taken to the circuit court from a conviction in the county court and a conviction follows in the circuit court, the solicitor's fee shall be paid to the deputy solicitor or into the county treasury, as herein provided. In circuits of one county having one judge and a population of

45,000 or more where there is now a county court or city court with the jurisdiction of a circuit court, and having a solicitor elected by the qualified electors of such county, whose term of office will not expire by the first Monday after the second Tuesday in January, 1917, such solicitor, until the expiration of his present term, shall be the sole deputy solicitor for the county and receive as compensation for his services all solicitor's fees collected for convictions in the county court; provided that such deputy-solicitor shall not receive fees in excess of the salary he is now receiving as solicitor of the county or city court; and provided further that at the expiration of the time for which such county or city solicitor, so acting as deputy solicitor, was elected to serve, the circuit solicitor in such circuits shall have the right to appoint a deputy solicitor whose salary shall be twelve hundred dollars (\$1,200.00) a year, paid by the county. "Provided that this Act shall not be construed to repeal any local or special law fixing the salaries of deputy solicitors in any county in this State." Provided however this bill shall apply as to counties having a less population than 20,000 and in such counties where court is held in two places the salary of the solicitor shall be \$750.00 per annum.

Approved Sept. 29, 1923.

No. 431.)

(S. 263. Hutson.

AN ACT

To relieve banks and trust Companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within six months after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank that the check so paid was forged or raised.

Be it enacted by the Legislature of Alabama:

Section 1: No bank or trust Company doing a banking business, which in good faith has paid, and charged to the account of a depositor, any money on a forged or raised check, issued in the name of the depositor shall be liable to said depositor for the amount paid thereon, unless, within six months after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank that the check so paid was forged or raised.

Section II. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved Sept. 26, 1923.

No. 433.)

(S. J. R. 181. Waddell.

SENATE JOINT RESOLUTION

RESOLVED by the Senate, the House concurring, that the Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary of the Senate, together with six clerks to be named by the Secretary; the Clerk of the House, Assistant Clerk of the House and Reading Clerk of the House, together with six other clerks to be named by the Clerk of the House, be, and they are hereby allowed thirty days from and after the final adjournment of the present session of this Legislature, within which to check and compare the Journals and Registers of both houses.

BE IT FURTHER RESOLVED, that said Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary, the six clerks named by the Secretary, the Clerk of the House, Assistant Clerk of the House, Reading Clerk of the House and six clerks named by the Clerk of the House, be and they are hereby allowed the same per diem as they are now allowed by law for such work.

Approved Sept. 26, 1923.

No. 434.)

(S. 478. Griffith.

AN ACT

To authorize cities which now have a population of not less than thirty thousand nor more than fifty thousand of inhabitants according to the latest Federal census, or which may hereafter have such population according to any Federal census hereafter taken, to fix and collect licenses for business done within the police jurisdiction of such city but without the limits thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That any city which has a population of not less than thirty thousand and not more than fifty thousand of inhabitants, according to the latest Federal census or which may hereafter have such population according to any Federal census hereafter taken, may fix and collect licenses for any business done within the police jurisdiction of such city and without the limits thereof; provided, however, that the amount of such licenses shall not be more than one-half the amount charged and collected as license for like business done within the limits of such city, fees and penalties, excluded.

Approved Sept. 26, 1923.

AN ACT

To empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied the distance of buildings from streets, alleys or other public ways, the distance between building the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a board of Zoning Adjustment and define the authority, powers and functions of such Board of Zoning Adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. GRANT OF POWER. For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of cities and incorporated villages having a population of one hundred thousand or more, according to the last or any subsequent Federal census is hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

Section 1½. For the promotion of the public peace, order, safety or general welfare, such municipal corporations may, within residence districts established pursuant to this Act, further regulate as to the housing or residence therein of the different classes of inhabitants, but such regulations are not hereby authorized as will discriminate in favor of or against any class of inhabitants.

Section 2. DISTRICTS. For any or all of said purposes the local legislative body may divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Section 3. PURPOSES IN VIEW. Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Section 4. METHOD OR PROCEDURE. The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in such municipality.

Section 5. CHANGES. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change signed by the owners of twenty per cent or more either of the area of the lots included in such proposed exchange, or of those immediately adjacent in the rear thereof extending 500 feet therefrom, or of those directly opposite thereto, extending 500 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of such municipality. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments.

Section 6. ZONING COMMISSION. In order to avail itself of the powers conferred by this Act, such legislative body shall appoint a commission to be known as the Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and such legislative body shall not hold its public hearings or take action until it has received the final report of such Commission. Where a city plan commission already exists, it may be appointed as the Zoning Commission.

Section 7. BOARD OF ADJUSTMENT. In the event any municipality avails itself of the powers conferred by this Act, its legislative body shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of this Act shall provide that the said Board of Adjustment shall in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent, and in accordance with general or specific rules therein contained. The Board of Adjustment shall consist of five members, each to be appointed for a term of three years and removable for cause by the appointing authority, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by and decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the

parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The Board of Adjustment shall have the following powers: (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Act or of any ordinance adopted pursuant thereto. (2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance. (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. In exercising the above mentioned power such Board may, in conformity with the provisions of this Act, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 8. REMEDIES. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Act or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 9. Any party aggrieved by any final judgment or decision of such Board of Zoning Adjustment, may within fifteen days thereafter appeal therefrom to the Circuit Court or

Court of like jurisdiction, by filing with such Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal such Board shall cause a transcript of the proceedings in the cause to be certified to the Court to which the appeal is taken and the cause shall in such Court be tried de novo.

Section 10. **CONFLICT WITH OTHER LAWS.** Wherever the regulations made under authority of this Act require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this Act shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute, or local ordinance, or regulation shall govern.

Section 11. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision or portion of this Act which is not in and of itself invalid or unconstitutional.

Section 12. All laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Approved Sept. 26, 1923.

No. 436.)

(H. 201. Poole.

AN ACT

To provide for the care, use and investment of State Sinking Funds for the payment of State bonds or other State obligations.

Be it enacted by the Legislature of Alabama:

Section 1: Sinking Funds are trust funds for the equitable use and benefit of the holders and owners of the State bonds or obligations for the payment of which the Sinking Fund was created. The State Treasurer is Special Trustee, not only for the care and custody of such sinking funds after they are paid into the State Treasury, but he is also Special Trustee for the use and investment of such funds in the mode and manner provided for in this Act.

Section 2. The State Treasurer, by and with the advice and consent of the Governor, may use the whole or any part of such sinking funds, as may be in the State Treasury, for the purchase of any interest bearing bonds of the State of Alabama, which bonds, when so purchased, and the interest thereon, shall be held and treated by the State Treasurer as a part of the sinking fund so invested, for the prompt and faithful payment of the debt for which such sinking fund was created. The State Treasurer, by and with the advice and consent of the Governor, may sell or convert any interest bearing bonds, which have been purchased with sinking funds under this section, into cash or money for the purpose of paying any debt or obligation for which the sinking fund was created.

Section 3. Instead or in lieu of using sinking funds, as is provided for in Section 2 of this Act, the State Treasurer, by and with the advice and consent of the Governor, may purchase, upon the best terms obtainable, State bonds or obligations for the payment of which the sinking fund was created, and when such bonds or obligations are so purchased they may be cancelled and retired by the State Treasurer, with the advice and consent of the Governor; provided, however, that no bond or obligation so purchased shall be cancelled or destroyed, unless it was purchased by and with the sinking funds which were created for the ultimate payment of such bond or obligation so purchased and cancelled. Such bonds or obligations, when so cancelled and retired, shall be cancelled and destroyed by the State Treasurer in the presence of the Governor and the Attorney General, and entry thereof shall be made on the books of the State Treasurer as to the number, amount, character, and denomination of the bonds or obligations so cancelled and destroyed, and the Treasurer, Governor and Attorney General shall certify to the correctness of the entries so made upon the books of the State Treasurer.

-Section 4. If any State Sinking Funds or any part thereof cannot be invested profitably in any of the other modes provided for in this Act, the State Treasurer, by and with the advice and consent of the Governor, may deposit any sinking fund or part thereof in a reputable and solvent Savings Bank on the best terms obtainable.

Section 5. The State Treasurer shall keep a separate book in which separate and full entries shall be made as to all deposits of sinking funds, which entries shall show with what bank deposited, or from whom bonds or other obligations are purchased, the terms of the deposit or the purchase. In the event any sinking fund is used for the purchase of any interest bearing bonds or other obligations of the State, the book entries shall show the amount of the funds so used and from whom the bonds or obliga-

tions were purchased. In the event any sinking fund or part thereof is used for the purchase of any bond or obligation under Section 3 of this Act, for which the particular sinking fund so used was intended and created, which is authorized to be cancelled and retired when so purchased, the book entries shall show the particular fund so used, the amount thereof, the time, character and denomination of the bond, coupon or other obligation so purchased, which is authorized to be cancelled, destroyed and retired, together with the necessary and proper entry as is hereinbefore provided, showing when such bonds, coupons or obligations were cancelled, destroyed or retired.

Section 6. This Act is not intended and shall not be so executed, enforced or construed as to allow any diversion, or conversion, of any particular sinking funds, or part thereof, from the object and purpose for which such particular fund or part thereof was created, but, this Act shall be so executed and enforced as to enhance and increase the value of all sinking funds, and to apply each particular fund and the increased value or interest accruing therefrom to the prompt and faithful payment of the particular indebtedness or obligation for which the fund was created; and no sinking funds, or any part thereof shall be devoted to any other use or purpose than that for which it was created and provided.

Approved Sept. 26, 1923.

No. 439.)

AN ACT

(H. 666. Tunstall.

To amend Section 8 of an Act entitled "An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers," approved August 9th, 1923.

Be it enacted by the Legislature of Alabama: That Section 8 of "An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers," be and the same is hereby amended so as to read as follows:

Section 8. BOARD OF EXAMINERS.—The Board of Commissioners shall appoint a Board of Examiners on admission to the Bar, which Board shall consist of three members, and said Board of Examiners shall conduct examinations of applicants for admission to the practice of law and from time to time certify to the Secretary of the Board of Commissioners the names of those applicants found to be qualified; such examination and certification to be made in accordance with rules and requirements made by said Board and approved by said Board of Commissioners. The Board of Examiners shall be reim-

bursed for their expenditures for all necessary and reasonable expenses incurred in the performance of their duties, said expenses not to exceed actual railroad fare and four dollars per diem, and shall in addition receive the sum of ten dollars per day for each day engaged by them in the performance of their duties, said moneys to be expended by them out of the fund hereinafter provided for. The Board of Examiners as now appointed and constituted under the provisions of the Code of 1907 shall constitute the Board of Examiners hereunder until the first day of April, 1924. Thereupon and thereafter said Board of Examiners shall be elected by a majority vote of the Board of Commissioners and shall hold office for the term of two, four and six years respectively, and as designated by said Board, after their election and until their successors are elected and qualified, and thereafter their successors shall be elected, as vacancies occur, to hold office for a term of six years, or if appointed for an unexpired term, for the time of such unexpired term.

Approved Sept. 26, 1923.

No. 440.)

(H. 1019. Kilborn.

AN ACT

To authorize courts to prohibit, for definite periods or perpetually, the operation of motor vehicles by persons convicted of operating a motor vehicle in violation of a criminal statute or ordinance, and to fix the punishment for the violation of such order, and to provide for appeals from such orders.

Be it enacted by the Legislature of Alabama, That wherever a defendant is convicted by any court of competent jurisdiction including recorders courts of operating a motor vehicle in violation of any criminal statute or ordinance, the court trying the case, at its discretion, may, in addition to the other punishment fixed by law, enter an order forbidding such person to drive a motor vehicle upon any street or highway in the State of Alabama for a period to be specified by the court, or perpetually, as the court may determine. Any person driving a motor vehicle in violation of such an order of court shall be guilty of a misdemeanor. Any defendant against whom such an order has been entered shall have the same right of appeal and supersedeas as is now granted him with reference to the sentence of the court imposing punishment fixed by law, and the appellate court shall have the right to modify or annul the order forbidding the operation by the defendant of motor vehicles, as in the opinion of the appellate court the facts may justify or require.

Approved Sept. 26, 1923.

No. 441.)

(H. 856. Tunstall.

AN ACT

To establish and regulate liens in favor of jewelers, watchmakers and silversmiths who shall alter, repair or do any work on any article of personal property, and to regulate the procedure for enforcement thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That every jeweler, watchmaker and silversmith who shall alter, repair or do any work on any article of personal property at the request of the owner or legal possessor of said property shall have a lien upon and may retain possession of any such article until the charges for such altering, repairing or work has been paid.

Section 2. If such debt remains unpaid for twelve months or more, then the jeweler, watchmaker or silversmith may sell such article at private or public sale and the proceeds, after first paying the expenses of the sale shall be applied on the payment of the debt, the balance, if any, to be held for the debtor. If debtor's residence is known notice in writing must be given the debtor of the amount due and the time and place of the sale before said sale, said notice to be mailed to his street address. If debtor's residence is unknown, notice must be given by posting in the county court house of the city, town or village where the jeweler, watchmaker or silversmith resides, or the court house nearest thereto, and statement that the sale will be made, setting out the time, place and article or articles to be sold and the name of the debtor.

Section 3. All laws or parts of laws in conflict herewith be and the same are hereby repealed.

Section 4. This Act shall take effect upon passage and approval of the Governor.

Approved September 26, 1923.

No. 442.)

(H. 843. Goodwin.

AN ACT

To authorize the State Auditor to draw a warrant on the treasury in favor of the employees and clerks of the Legislature of 1923 as provided by the report of the committee appointed under Senate Joint Resolution No. 86, and adopted August 2, 1923.

Be it enacted by the Legislature of Alabama:

Section 1. That the State Auditor be and he is hereby authorized to draw warrants on the treasury in favor of the clerks and employees of the House and Senate in the Legislature as provided by the report of the committee appointed under Senate Joint Resolution No. 86, and adopted by the House and

Senate August 2, 1923, and the payment of said clerks and employees out of money in the treasury be and the same is hereby authorized and legalized.

Approved Sept. 26, 1923.

No. 443.)

AN ACT

(S. 442. Tunstall.

To authorize municipal corporations to divide the territory within the corporate limits into zones or districts and to provide the kind and character and use of structures that may be erected within the several zones and to rearrange the same from time to time and to adopt necessary ordinances to carry into effect the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That each municipal corporation in the State of Alabama shall have power and authority to divide the territory within its corporate limits into business, industrial, and residential zones or districts and to provide the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established and may from time to time rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as necessary to carry into effect and make effective the provisions of this Act.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 2½. That no ordinance shall be passed by any municipal corporation under the authority of this Act unless and until the proposed ordinance has been published for at least fifteen days in advance of its passage in a newspaper of general circulation within the municipality, or, if there is no newspaper, by posting the same in four conspicuous places within the municipality, together with a notice stating the time and place that the ordinance is to be considered by the municipal legislative authorities, and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to such ordinance.

Section 3. This Act shall take effect upon its passage and approval by the Governor.

Approved Sept. 26, 1923.

No. 444.)

AN ACT

(S. 269. Randall.

To provide for the proper display of the United States Flag and the Flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Be it enacted by the Legislature of Alabama:

Section 1. That all schools in this State that are supported in whole or in part by public funds, be and the same are hereby required to display every day on which school is in session, at some suitable place about the school building, the flag of the United States and the flag of the State of Alabama.

Section 2. Be it further enacted, that teachers, in making monthly reports shall show on the same that the provisions of this Act have been complied with, and superintendents of city schools in drawing public money, or monies, shall certify that each school under his supervision has complied with this Act.

Section 3. Be it further enacted, that teachers in the State subject to the provisions of this Act shall not be allowed to draw public funds unless the provisions of this Act are complied with, and the State Superintendent of Education is charged with the enforcement of the provisions hereof.

Section 4. The flags provided for in this Act shall be paid for by local school boards, in localities where local school boards exist, and in localities where there are no local school boards, such flags shall be paid for by the County Boards of Education.

Approved Sept. 26, 1923.

No. 447.)

AN ACT

(S. 521. Waddell.

To establish an additional Circuit Court in the County of Russell at Girard.

Section 1. *Be it enacted by the Legislature of Alabama*, that the County of Russell be and the same is hereby divided as follows: Commencing on the western boundary line of Russell County at the point equally distant from the north boundary line and the south boundary line of township sixteen, and running thence east along a line equally distant from the said north boundary line to the said south boundary line of said township Sixteen to the Big Uchee Creek, thence down to the said Big Uchee Creek to the western boundary line of Range 30, thence south along the west side of Range 30 to the south boundary of Township 15, thence east to the Chattahoochee River.

Section 2. Be it further enacted, that all causes of action both civil and criminal, which are in the jurisdiction of a circuit court and are triable within the County of Russell, may be brought either in the Circuit Court of said County at Seale, or the Circuit Court of said County at Girard; provided, however, that if the defendant lives on the north or east side of the line described in Section 1. of this Act, such suit, if brought in the Circuit Court of said County at Seale, shall be removed for trial to the Circuit Court of said County at Girard, at the request of defendants, and provided further that if the defendant lives on the south or west side of said line such suit, if brought in

the Circuit Court of said County at Girard shall be removed for trial to the Circuit Court of said County at Seale, at the request of the defendant; provided that if no such request is made by the defendant at the first term of the Court at which such cause is triable, and within the time allowed for pleading, the presiding Judge may refuse to allow such cause to be removed; and it shall stand for trial in the Court in which it was brought. In civil suits against more than one defendant, the cause must be tried in the Court where it is brought if one or more of such defendants live on the other side of said line.

Section 3. Be it further enacted, that when any cause is removed from one Circuit Court to the other in said County, the presiding Judge shall cause to be entered upon the minutes of the Court where the suit was first brought an order that said cause be removed into the other Court for trial and, thereupon, the Clerk of such Court shall transfer all the papers in such cause to such other Court and shall enter said cause upon the docket of said Court, which shall stand for trial at the next term of such Court.

Section 4. Be it further enacted, that the calls or sessions of the Circuit Court of Russell County, at Girard, shall be fixed by the Judge of the Third Judicial Circuit.

Section 5. Be it further enacted, that owing to the unsettled financial condition of Russell County, it shall be the duty of the City of Girard to furnish temporary quarters for holding said court, and a place for the safe keep of the necessary records, and furnish such offices for the officers and their deputies until such time when permanent quarters can be furnished.

Section 6. Be it further enacted that on the first date named in Section Four which occurs after the passage of this Act the said Circuit Court shall be held in Girard.

Approved Sept. 26, 1923.

No. 448.)

AN ACT

(S. 431. Craft.

To propose an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of drainage districts, and establishing and maintaining a drainage system for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein; to provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of said land by reason of the special benefits derived from such improvements; to provide for the issuance of bonds by such district with or without an election. And to order an election by the qualified electors of the State upon such proposed amendment to be held at the general State election in November, 1924. Provided the provisions as to road and sea wall shall apply only to Mobile and Baldwin Counties.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, to be held at the general State election in November, 1924, at which said amendment shall be voted upon. The proposed amendment is as follows: Article XXI, Section 1. The Legislature may form or provide for the formation of districts for establishing and maintaining a drainage system; for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein; and provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of such land by reason of the special benefits derived from such improvements, and may provide for the issuance of bonds by such district with or without an election. Provided the provisions as to roads and sea wall shall apply only to Mobile and Baldwin Counties."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment, and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article XXI of the Constitution of Alabama?" Section 1. The Legislature may form or provide for the formation of districts for establishing and maintaining a drainage system; for the building and maintaining of public roads, and for building and maintaining a sea wall or other protection against waves, storm or flood therein; and provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increase value of such land by reason of the special benefits derived from such improvements, and may provide for the issuance of bonds by such district with or without an election. "Yes"
"No". The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act,

the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Approved Sept. 26, 1923.

No. 450.)

AN ACT

(S. 444. Craft.

To submit to the qualified electors of Alabama an amendment of the Constitution of Alabama authorizing Mobile County to increase its indebtedness for the purpose of constructing concrete or better than concrete surfaced public roads, and concrete or better than concrete bridges in said county, and a way for vehicular traffic between Mobile and Baldwin Counties; to issue bonds therefor, and to levy and collect taxes on property in Mobile County to pay for the same, in addition to the indebtedness, bonds and taxes now authorized by the Constitution.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, viz: Proposed Amendment No. 290. Mobile County may become indebted and may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin Counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile County. To pay said indebtedness and the interest thereon, Mobile County may levy and collect an annual tax on said property not to exceed one-half of one per centum of said value. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized by the Constitution of Alabama prior to the adoption of this amendment. But no such additional indebtedness shall be created, and no such additional bonds shall be issued, and no such additional tax shall be levied, until each improvement or construction proposed to be built thereby, its approximate location, estimated cost and time of completion, and the amount of the proposed increase, shall have been determined upon and made public by the Board of Revenue

and Road Commissioners of Mobile County, and the proposed increase of indebtedness or issue of bonds or tax therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Mobile County voting upon such proposition.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment be held at the General election next succeeding this session of the Legislature.

Approved Sept. 26, 1923.

No. 451.)

AN ACT

(S. 501. Waddell.

To authorize the Governing authorities of a municipality whose boundaries have been altered, extended or arranged so as to include the territory lying within the corporate limits of another municipality in another county to change the name of the municipality within a certain time after the extension of said corporate limits:

Be it enacted by the Legislature of Alabama:

Sec. 1. That the governing authorities of a municipality whose boundaries have been altered, extended or arranged so as to include the territory lying within the corporate limits of another municipality in another county shall have the authority to change the name of the municipality within ninety days after the extension, alteration, or changing of said boundary line so as to include the territory lying in such other municipality.

Sec. 2. That the change of the name of a municipality as provided by this law shall be by ordinance adopted by the governing authorities of said city, which ordinance shall be recorded in the probate office of each county within which the corporate limits of said municipality or city are situated.

Sec. 3. Prior to the passage of such ordinance changing the name of said municipality notice shall be given for one week by publication in a newspaper of general circulation in said municipality, and by posting notice at three public places within said county stating the date of the meeting at which said ordinance will be presented, and the substances of the ordinance changing the name of said municipality. At the meeting held for such purpose any citizen shall be given the right to state his endorsement or objection to the passage of such ordinance.

Approved Sept. 26, 1923.

No. 452.)

AN ACT

(S. 369. Teasley.

To appropriate \$381.62 to be paid to Frank Stollenwerck to refund to him taxes paid by him, by Emma Stollenwerck, deceased, and Frank Stollenwerck, deceased, to the State of Alabama on erroneous assessments made against property in Montgomery, Alabama, belonging to the re-

spective parties at the times of said assessments and to authorize the State Treasurer to pay the same to said Frank Stollenwerck.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of Three Hundred Eighty-One and 62-100 (\$381.62) Dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to be paid to Frank Stollenwerck in refund of taxes paid by him, by Emma Stollenwerck, deceased, and Frank Stollenwerck, deceased, to the State of Alabama on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments.

Section 2. That the State Auditor be and he is hereby authorized and directed to draw his warrant on the State Treasurer of Alabama in favor of Frank Stollenwerck for the said sum of Three Hundred Eighty-One and 62-100 (\$381.62) Dollars in payment of said refund.

Approved Sept. 26, 1923.

No. 453.)

(S. 345. Craft.

AN ACT

To fix the compensation of members of the Courts of County Commissioners, Boards of Revenue, or other courts of like jurisdiction in this State, in counties which now have, or which may hereafter have, a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last federal census or any such census which may hereafter be taken, for services actually performed by said officers as members of the Boards of Revenue of said Counties, and to provide for the payment of such compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the compensation of members of the Courts of County Commissioners, Boards of Revenue, or other courts of like jurisdiction in this State, in Counties which now have, or which may hereafter have a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last federal census or any such census which may hereafter be taken, for services actually performed by said officers as members of the Boards of Review of said Counties, be and the same is hereby fixed at nine hundred dollars per annum for each member of such boards other than the President thereof, and fifteen hundred dollars per annum for the President thereof, payable in monthly installments.

Section 2. That the compensation herein fixed shall be payable out of the treasury of the counties affected hereby and in addition to the salaries now received by the members of any of such courts.

Section 3. That all laws or parts of laws, general, local or special, in conflict with the provisions of this act be and the same are hereby repealed.

Approved Sept. 26, 1923.

No. 455.)

(S. 156. Brower.

AN ACT

To regulate the charges, fees or costs in Criminal cases of the Circuit Courts in all counties in this State having a population of 200,000 according to the last or any subsequent federal census.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties in this State having a population of 200,000 according to the last or any subsequent federal census there shall be taxed in all criminal cases in the Circuit Courts of said counties, where trial is by jury, whether for a felony or misdemeanor, against the defendant upon each conviction as costs the sum of six dollars.

Section 2. That for each criminal case tried in said Court without a jury, upon each conviction, or in each case upon a plea of guilty, the defendant shall be taxed with a fee of four dollars.

Section 3. Said fees shall be in addition to other fees or costs now imposed by law and shall be collected as other costs and paid into the general fund of said respective counties.

Section 4. That all laws and parts of laws in conflict herewith be and hereby are expressly repealed.

Section 5. This Act shall take effect upon its approval by the Governor.

Approved September 26, 1923.

No. 456.)

(S. 449. Inzer.

AN ACT

To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election at which this amendment is proposed, an amendment to the Constitution of the State of Alabama, whereby the following municipal corporations, Thorsby, Alabama City, Piedmont and Greenville, and Roanoke and Greensboro and Calera, Florala and Opp, Evergreen and Fayette and Clayton and Clio in the State of Alabama, may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporations shall not in any one year exceed one (1) per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporations, respectively, at election to be held by them from time to time for such purposes and to provide for such elections.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and actions at an election to be held at the next general election at which this amendment is proposed, to-wit: The municipalities of Thorsby, Piedmont, and Greenville, and Roanoke, and Greensboro and Calera, Florala and Opp, Evergreen and Fayette, and Clayton and Clio in the State of Alabama, shall have the power and right to levy and collect a tax of one-half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds or indebtedness issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds or indebtedness which may be issued or incurred after the adoption of this amendment and the interest thereon, an additional tax of one-half of one per centum may be levied and collected by said corporations; provided further, that a majority of the qualified electors of any of said municipal corporations voting at an election called for that purpose may vote a special tax not to exceed one-half of one percentum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which same is levied and collected; provided, however, that the total tax to be levied by any of said municipal corporations shall not exceed one and one-half ($1\frac{1}{2}$) per centum in any one year. Alabama City shall have the power and right to levy and collect a tax of three-quarters of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation. Provided, further, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of either of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them, or any of them, under the Constitution or any amendment thereto; including the power of the city of Selma to levy and collect the taxes for schools and school purposes vested in and conferred upon said city of Selma by the amendment to the Constitution of Alabama adopted thereto at the general election held in November 1916, and which was submitted under law number 315 General Laws 1915, page 337, each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall con-

tain the words: "For excess rate of taxation for the year (or years):" and "Against excess rate of taxation for the year (or years)". The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor; and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds or municipal corporations heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality but when a proposition is submitted to the electors to levy a special tax for a specific purpose, and such proposition is defeated no second election for the same shall be held in one year thereafter.

Section 2. That it shall be the duty of the Governor to give notice by proclamation, to be published in one newspaper in each county in the State at least eight consecutive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided for, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz: Shall the following be adopted as an amendment to the Constitution of Alabama: The municipalities of Thorsby, Piedmont, Greenville, Roanoke, Greensboro, Calera, Florala, Opp, Evergreen, Fayette, Clayton and Clio, in the State of Alabama, shall have the power and right to levy and collect a tax of one-half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for State taxation for the tax year ending on the 30th day of September next succeeding the levy; provided that for the purpose of paying bonds or indebtedness issued and outstanding at the time of the adoption of this amendment and the interest thereon, and for the purpose of paying bonds and indebtedness which may be issued or incurred after the adoption of this amendment and the interest thereon, an additional tax of one-half of one per centum may be levied and collected by

said corporations; Alabama City shall have the power and right to levy and collect a tax of three-quarters of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for State taxations. Provided further, that a majority of the qualified electors of any of said municipal corporations voting at an election called for that purpose may vote a special tax not to exceed one-half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which same is levied and collected; provided however, that the total tax to be levied by any of said municipal corporations shall not exceed one and one-half ($1\frac{1}{2}$) per centum in any one year. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words: "For excess rate of taxation for the year (or years);" and "Against excess rate of taxation for the year (or years)". The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown by placing a cross mark before or after the words, expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds of said municipal corporations heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality but when a proposition is submitted to the electors to levy a special tax for a specific purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. This amendment shall be self executing and no act of the Legislature shall be required to put the same, or any part thereof, in force. This amendment shall not apply to counties. Following the proposed amendment on the ballot shall be printed the word "yes," and immediately under that shall be printed the word "no". The choice of the elector shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the

same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation by the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other general elections are paid.

Approved Sept. 29, 1923.

No. 458.)

AN ACT

(S. 430. Teasley.

To authorize the Courts of County Commissioners, Boards of Revenue or other courts of like jurisdiction in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to establish two or more places of voting in the same election precincts when it is deemed necessary for the convenience of the voters therein: and to separate the list of qualified voters in groups in alphabetical order so that no group shall contain more than three hundred qualified voters: and to designate the places at which the qualified voters in such precinct shall cast their ballot and to require the probate judge of said counties to furnish the election managers list of qualified voters in groups as herein provided.

Be it enacted by the Legislature of Alabama:

Section 1. That the courts of county commissioners, Boards of Revenue or other courts of like jurisdiction in all counties in this state which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last federal census or any such census which may hereafter be taken, may establish two or more places of voting in the same election precinct when it is deemed necessary to the convenience of the voters therein; but no such change shall be made within thirty days before any primary or general election.

Section 2. That the said courts or boards in said counties shall separate the list of qualified registered voters in said pre-

cincts as shown by the list on file in the office of the Probate Judge in said counties into groups in alphabetical order so that no group shall contain more than three hundred qualified registered voters.

Section 3. That said Courts or Boards may designate the place at which the qualified voters in such primaries shall cast their ballot.

Section 4. The Probate Judge in said counties are hereby required to furnish election managers in such precincts a list of qualified voters by groups as herein provided for all primaries, special or general elections.

Section 5. Whenever the Courts of County Commissioners, Boards of Revenue or other Courts of like jurisdiction establish places of voting as provided under this Act, no other election district or subdivision of election precinct into election districts shall be made or created until an order is made and entered upon the minutes of such Courts or Boards abrogating or rescinding their action establishing places of voting as herein provided, but no such order shall be made within less than sixty days before any primary or general election.

Section 6. That all laws or parts of laws, general, local or special in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 459.)

(S. 432. Craft.

AN ACT

To amend Section 1 of an Act entitled an Act to provide for the appointment of deputy registers and deputy clerks for Circuit Courts in all judicial circuits in the State having more than two and less than five Circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—Approved October 1, 1920;

Be it enacted by the Legislature of Alabama, That Section 1 of an Act, approved October 1, 1920, entitled an Act "To provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies," be amended so as to read as follows, to-wit:

Section 1. That in all judicial circuits in this State having more than two and less than five Circuit judges, the register and the clerk of the Circuit Court shall each, subject to removal at his will, appoint a deputy for said court; the deputy register and deputy clerk shall each be paid a salary of Two Hundred Dollars per month, payable monthly, out of the treasury of the County composing such circuit. Said deputy register and deputy clerk shall respectively possess all the powers and authority,

both ministerial and judicial now or hereafter possessed by such register and clerk by whom said deputies are respectively appointed.

Section 2. This Act shall take effect upon its approval by the Governor and all laws in conflict herewith are hereby repealed.

Approved Sept. 29, 1923.

No. 461.)

AN ACT

(S. 504. Craft.

To provide that in the event the Constitution of Alabama should be amended, to authorize Mobile County to increase its indebtedness, bond issue and tax rate for the purposes of constructing or improving of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, and for the construction of bridges and roadway necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile County, such indebtedness to be in addition to the amount now authorized by the Constitution, then Mobile county may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in said county, in an amount not to exceed six and one-half per centum of the assessed value of the property situated in Mobile County, such indebtedness to be in addition to the amount now authorized by the Constitution.

Be it enacted by the Legislature of Alabama:

Sec. 1. That in the event the Constitution of Alabama should be amended to authorize Mobile County to increase its indebtedness, bond issues and tax rate for the purposes herein-after provided and if the Legislature should authorize the increase by said county of its indebtedness and the levy by said county of an annual tax on property situate in Mobile County, not to exceed one-half of one per centum, to pay said indebtedness and the interest thereon, then Mobile County may issue bonds for the construction or improvement of concrete or better than concrete surfaced public roads, and concrete or better than concrete public bridges in Mobile County, and for the construction of public bridges and roadways necessary to provide a public road for vehicular travel between the highlands of Mobile and Baldwin Counties, in an amount not to exceed six and one-half per centum of the assessed value of the property situate in Mobile County, such indebtedness to be in addition to the amount now authorized by the Constitution. Provided that no such additional bonds shall be issued until each improvement or construction proposed to be built thereby, its approximate location, estimated cost and time of completion and the amount of the proposed increase shall have been determined upon and made public by the Board of

Revenue and Road Commissioners of Mobile County, and the proposed issue of bonds therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Mobile County voting upon such proposition; and to provide further, that the question of increase of indebtedness and issue of bonds and levy of tax may all be submitted upon the same ballot at the same election.

Sec. 2. That this law shall become effective upon its approval by the Governor of Alabama.

Sec. 3. That all laws in conflict herewith, whether local or general, are hereby expressly repealed.

Approved Sept. 28, 1923.

No. 462.)

AN ACT

(S. 479. Brower.

To further regulate the financing of public improvements by cities having a population of over 100,000, according to the last or any subsequent Federal census.

Be it enacted by the Legislature of Alabama:

Section 1. That the provisions of this Act shall apply only to cities in the State of Alabama which now have or which may hereafter have a population of more than one hundred thousand, according to the last or any subsequent Federal census.

Sec. 2. That when any city of the class described in Section 1 of this Act shall make an assessment for the cost of any public improvement against any lot or parcel of land benefited thereby in a sum of Twenty-five dollars or any lesser sum, there shall be no right in the owner of such lot or parcel of land to elect to pay such assessment in installments, but such assessment shall be due and payable in full within thirty days from final assessment.

Sec. 3. That when an assessment for the cost of any public improvement has been heretofore made, or is hereafter made by any city of the class described in Section 1 against any lot or parcel of land and the owner has or shall have lawfully elected to pay same in installments as provided by law, and such owner after such election and before maturity desires to pay such assessment in full, such owner may pay such assessment in full by paying the principal with interest to date of payment and for six months beyond such date, but this shall not affect the power of such city to enforce any assessment where the owner is in default as to payment of installments.

Sec. 4. That the governing body of any city of the class described in Section 1 shall have no power to reduce or abate an assessment made for public improvements after such assessment shall have been made final, unless an appeal shall have

been taken from such assessment within the time prescribed by law, but this shall not affect the power of such governing body to split an assessment between two or more parties, as now provided by law.

Sec. 5. That cities of the class described in Section 1, in issuing and selling bonds for such amount as may be necessary after deducting the amount paid by property owners, to pay the cost of any public improvements including such amounts as may be borrowed for the purpose, and all interest and other expenses incurred for the construction of such improvements, shall have power to group the assessments under two or more different ordinances, and to issue and sell such bonds covering the entire group, and to number such bonds consecutively one and up, and to issue such bonds on a serial basis, one-tenth of such issue to be redeemed each year after date of issue, such redemption to begin with Bond No. 1. In the event of such bond issue the city official charged with the duty of collecting assessments shall provide and keep a separate sinking fund account for each such bond issue, and all collections made on the assessments covered by each such issue shall be credited to the proper sinking fund account, and such sinking fund shall be used only for the purpose of paying the interest and principal of such bonds in that particular group or series, as they mature. The powers herein given are cumulative and shall not be construed as depriving such cities of any powers now provided by law in connection with such matters.

Sec. 6. The officer of any city of the class described in Section 1, charged with the duty of collecting assessments for public improvements, may lawfully apply to any delinquent assessment any funds in his possession belonging to the owner of the property against which such assessment lien exists.

Approved Sept. 28, 1923.

No. 463.)

AN ACT

(S. 425. Brower.

To provide for the appointment of official court reporters by the Judges of the criminal and civil divisions of the Circuit Court in judicial circuits which now have or may hereafter have more than five Judges; To fix their compensation and define their duties.

Be it enacted by the Legislature of Alabama:

1. That in judicial Circuits having more than five judges, each judge of the criminal divisions of such courts is hereby authorized and required for the division of the said court over which he presides, to designate and appoint a competent reporter to perform the duties of official court reporter of the said court. Said official court reporter shall be an officer of

the court, and within his circuit shall have the power to administer oaths, and he shall hold office for the term of the judge appointing him; provided, however, that the judge of said court shall, at any time, have power to remove said official reporter upon proper charges entered of record, for incompetency or misconduct, or other good cause, specifying such incompetency or misconduct, and giving such reporter an opportunity of being heard.

2. It shall be the duty of such official court reporter to attend in person, except as otherwise herein provided, the sessions of court held in the circuit for which he is appointed, and in every case where directed by the judge he shall take full stenographic notes of the oral testimony and proceedings, except argument of counsel, and note the order in which all documentary evidence is introduced, all objections of counsel, the rulings of the court thereon and exceptions taken or reserved thereto. The original stenographic notes of such court reporter in each case officially reported shall be preserved by him and treated as a part of the records of such court. He shall furnish, within thirty days or such other time as the judge may prescribe, to any party to a cause reported by him upon demand being made for the same in writing, a typewritten transcript of his stenographic notes or any part thereof, upon payment of a transcript fee of fifteen cents for each one hundred words thereof, provided that such court reporter shall not be required to perform any part of such service until the payment or security thereof is assured.

3. Should the official court reporter herein provided for, on account of sickness or other cause, be unable to report the testimony of any trial as provided in this Act, the judge of the court shall have authority to appoint a special reporter to serve until the official court reporter can resume his duties in such Court, the compensation of such special reporter to be the same and paid in like manner as herein provided for official court reporters.

4. That in all cases reported by the official court reporter or special reporter there shall be taxed as part of the costs of the case a fee of ten dollars for each day, or five dollars for a fraction thereof that such reporter shall be engaged in reporting a case, to be collected as costs as in other cases, and when collected paid by the clerk of the court into the county treasury where such court is held.

5. That said official court reporter shall receive a salary of twenty-four hundred dollars per year, payable in equal monthly installments, said reporter shall furnish to the judge or solicitor a transcript of the proceedings in any case, upon request of said judge or solicitor, and he shall receive no fee for such services and his salary shall be paid out of the County Treasury

on certificate of the judge that said reporter holds appointment under him. Said reporter shall be a qualified elector of the county in which he serves.

6. That before such official court reporter shall enter upon the duties of his office he must subscribe to an oath to support the Constitution and laws of the State of Alabama and to faithfully perform all the duties of such office.

7. That all stationery and supplies to be used by such official reporter in his capacity as such shall be furnished and paid for by the county in which said court is held in the manner provided for the payment of the salary of such official court reporter on certificate signed and approved by the judge of the court.

7½. Be it further enacted that the official Court Reporter for the Civil divisions of said Courts shall be elected by a majority vote of the Judges of the civil divisions of said Courts, and the Judges of the Criminal divisions of said Court shall have no right to vote in the election of the official reporter of the civil divisions.

8. That if any paragraph, provision or section of this act shall be held or declared to be invalid or unconstitutional, the same shall not affect any other paragraph, provision or section.

9. That all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

10. That this Act shall become effective immediately upon its passage and approval by the Governor.

Approved Sept. 28, 1923.

No. 464.)

AN ACT

(S. 243. Duncan.

To create a Bureau of Insurance for the State of Alabama, in lieu of the Department of Insurance; defining the duties and powers of such Bureau; providing for the necessary officers and employees for such Bureau, and fixing their compensation; defining their duties and powers; and vesting such Bureau and officers with all the authority now exercised by any other department and any other officers pertaining to the Insurance business in this State, thereby relieving such other Departments and officers of all duties and responsibilities relating or pertaining to the Insurance business in the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created, in lieu of the Department of Insurance, a Bureau of Insurance for the State of Alabama, separate and distinct from any other department or office of the said State of Alabama; and the Bureau of Insurance be, and is, hereby charged with the administration of all laws, now in force, or, which may hereafter be enacted relating to insurance, insurance companies, associations, exchanges and

societies, and their agents and representatives doing business in the State of Alabama.

Section 2. The chief officer of the Bureau of Insurance shall be known as the Superintendent of Insurance and shall be appointed by the Governor; the term of office of the Superintendent of Insurance shall be as follows: Immediately upon the passage of this Act, and its approval by the Governor, he shall appoint a person of practical knowledge and experience and executive ability in the business of general insurance as such Superintendent of Insurance; said Superintendent of Insurance shall hold office from the date of his appointment until the first day of October, 1927, and until his successor is appointed and qualified as hereinafter provided. On the first day of October, 1927, and every four years thereafter, the Governor shall appoint a person of practical knowledge and experience and executive ability in the business of general insurance as Superintendent of Insurance, who shall hold office for a term of four years and until his successor is appointed and qualified. In case of a vacancy in the office of Superintendent of Insurance by death or otherwise, the Governor shall, as soon thereafter as is consistent with proper information, appoint some person with practical knowledge and experience and executive ability in the business of general insurance to fill the unexpired term. Before entering upon the discharge of his duties the Superintendent of Insurance shall subscribe to the constitutional oath of office, which shall be filed with the Secretary of State; he shall give bond in some authorized guaranty, or surety company, in the sum of twenty-five thousand dollars (\$25,000.00); said bond to be approved by the Governor and when approved to be filed in the office of the Secretary of State; the premium for said bond shall be paid out of the funds of the State upon a warrant drawn by the State Auditor upon the State Treasurer. The Superintendent of Insurance shall receive an annual salary of four thousand dollars (\$4,000.00) to be paid monthly as the salaries of other State officials are paid.

Section 3. The Superintendent of Insurance may appoint a Deputy Superintendent of Insurance to assist him in the discharge of his duties; the said Deputy Superintendent shall receive an annual salary of three thousand dollars (\$3,000.00) to be paid as the salaries of other State officials, and he shall be removable at the pleasure of the Superintendent of Insurance. The Deputy Superintendent shall give bond to the State of Alabama in some authorized guaranty, or, surety, company in the sum of twenty-five thousand (\$25,000.00) for the faithful performance of his duties; the bond to be approved by the Governor and filed with the Secretary of State; the premium for the said bond shall be paid out of the funds of the State by the State Auditor upon warrant drawn on the State Treasurer.

Section 4. The Superintendent of Insurance may also appoint the following clerical assistants to assist him in the discharge of the Bureau of Insurance; A chief clerk, whose salary shall be eighteen hundred dollars (\$1800.00) per annum; a workman's compensation clerk, whose salary shall be twenty-four hundred dollars (\$2400.00) per annum; a license clerk and stenographer, whose salary shall be fifteen hundred dollars (\$1500.00) per annum; a record and filing clerk, whose salary shall be twelve hundred dollars (\$1200.00) per annum; the salaries of the clerks herein named to be paid as the salaries of other State officials and employees are paid. The chief clerk shall give bond in some authorized guaranty, or, surety company in the sum of five thousand dollars (\$5,000.00) said bond to be approved by the Governor and filed with the Secretary of State; the premium for said bond shall be paid out of the funds of the State by the State Auditor upon warrant drawn on the State Treasurer.

Section 5. There is hereby authorized, and made, a continual annual appropriation for the salaries of the several officers, clerks and employees of the Bureau of Insurance.

Section 6. The Governor of the State shall assign to the Superintendent of Insurance suitable rooms in the capitol building for conducting therein the business of the Bureau of Insurance, and this Bureau shall be provided with the necessary furniture, stationery, postage, lights and other proper conveniences in the same manner and way as is furnished to other State departments; provided, however, that the furniture and fixtures now in use by the Insurance Department shall be assigned to the Bureau of Insurance.

Section 7. The powers, duties and jurisdiction now conferred upon the Department of Insurance, and upon the Commissioner of Insurance, are hereby conferred upon, and transferred to, the Bureau of Insurance, and the Superintendent of Insurance. The Superintendent of Insurance shall possess and have all the powers, and perform all the duties of supervision, regulation and control of the business of insurance in this State, which powers and authority are now exercised by the Commissioner of Insurance. And the Superintendent of Insurance shall exercise the same control over the insurance companies or associations, mutual aid companies, fraternal societies, inter-insurance exchanges, their officers, agents and representatives, and shall collect from them all taxes, fees, and penalties as are required by law, or may hereafter be required by law. The Superintendent of Insurance shall have exclusive control, management and supervision of the Bureau of Insurance and shall be vested with the authority now conferred by law on the Commissioner of Insurance, and shall have full power and authority

to do and perform all acts necessary to the carrying out and effectuating the purposes and ends for which said Department was created. And the Superintendent of Insurance is hereby authorized and empowered, from and after the date of his appointment and qualification as such Superintendent of Insurance, to perform all duties now required, or that may be required by law, in relation to the supervision, regulation and control of the business of insurance in this State. The Superintendent of Insurance is charged with the duty of administration of all laws of whatsoever nature that are now, and have heretofore been, provided by law to be administered by the Commissioner of Insurance.

Section 8. The Superintendent of Insurance shall be compensation Commissioner ex-officio and shall possess and have all the powers and authority, and perform all the duties now conferred on the director of the Department of Archives and History as ex-officio compensation commissioner of the State of Alabama.

Section 9. All books, papers, letters, and records, and office equipment belonging to the Department of Insurance shall be delivered to the Superintendent of Insurance immediately upon his qualifying under this Act.

Section 10. All books, papers, letters, records, and office equipment now in possession of, and belonging to, the director of the Department of Archives and History as ex-officio compensation commissioner shall be delivered to the Commissioner of Insurance immediately upon his qualifying under this Act.

Section 11. The Superintendent of Insurance shall make settlement with the State treasurer as now, or hereafter, required by law.

Section 12. The Superintendent of Insurance shall be provided by the State of Alabama with an official seal. Every paper executed by him as Superintendent of Insurance under the authority conferred on him by law, and sealed with his official seal, shall be received in evidence and may be recorded in the proper recording office in this State in the same manner and with the same effect as a deed regularly acknowledged or proven. The Superintendent of Insurance shall collect such fees and charges for the use of his official seal as are now, or may hereafter be, provided to be collected by the Superintendent of Insurance.

Section 13. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 14. This Act shall go into effect immediately upon its approval by the Governor.

Approved Oct. 1, 1923.

No. 465.)

(S. 295. Hutson.

AN ACT

To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms or corporations with whom such sinking funds are invested by the Superintendents of Banks of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That before any municipality shall issue any bonds, except for public improvement bonds secured in whole or in part by assessments, it shall by ordinance or resolution appropriate and set aside out of the general revenue of such municipality an annual appropriation which if invested at a rate of interest equal to the rate at which such bonds are issued will be sufficient at the date of maturity of such bonds to liquidate the principal of such bonds so issued.

Section 2. The appropriation provided for in Section 1 hereof shall be known as a sinking fund and shall not be used for any purpose except to liquidate the bonds for which the sinking fund was created, and shall be invested as provided in Section 4 of this Act.

Section 3. The resolution or ordinance creating the sinking fund herein provided for shall describe the bond issue for the liquidation of which such sinking fund was created, and shall remain in full force and effect and binding upon such municipality so long as such bonds are an outstanding indebtedness.

Section 4. The sinking fund herein provided shall be invested in bonds of such municipalities, bonds of the United States of America, bonds of the State of Alabama, or in bonds or saving certificates issued by any person, partnership or corporation authorized to do business in the State of Alabama, provided such bonds or saving certificates of such person, partnership or corporation are secured by the assignment to or deposit with the State Treasurer of the State of Alabama, United States Bonds, bonds of the State of Alabama, or notes secured by first mortgages on improved real estate which said mortgages shall not exceed sixty per cent of the appraised value of said real estate. Said securities to be an amount equal to at least ten per cent more than the actual value of such bonds or saving certificates so issued to such municipality.

Section 5. That any person, firm or corporation with whom any municipality shall invest its sinking funds or any part thereof or from whom any municipality shall purchase any bonds or saving certificates shall be subject to the supervision of the Superintendents of Banks of the State of Alabama in the following manner. It shall be the duty of the Superintendents

of Banks to carefully investigate the value of all securities deposited with the Treasurer of Alabama by such person, firm or corporation and if such security as he may approve shall not equal ten per cent more than such person, firm or corporation's liabilities in Alabama, require such person, firm or corporation to deposit additional security which he shall approve to equal at least ten per cent more than such person, firm or corporation's liabilities in Alabama. On failure of such person, firm or corporation to deposit the security herein specified as may be required by the Superintendent of Banks, then the Superintendent of Banks may revoke the rights of such person, firm or corporation to accept from any municipality in Alabama any part of its sinking funds and to immediately liquidate all its liabilities to all municipalities in Alabama and if necessary may proceed to subject all securities deposited with the Treasurer of Alabama for the protection of municipalities. Provided further that the Superintendent of Banks shall require such person, firm or corporation to submit to any examination as to his or its solvency and require him or it to pay the expenses of such examination and to pay all expenses necessary for the examination of securities deposited with the Treasurer of Alabama, and upon failure of such person, firm or corporation to comply with any order of the Superintendent of Banks made in conformity with the authority herein granted him, such person, firm or corporation may in the discretion of Superintendent of Banks forfeit his or its right to deal further with municipalities in Alabama.

Section 6. Nothing herein provided shall be construed to prohibit any municipality from refunding any indebtedness that it owed prior to the approval of this Act, without providing for such sinking fund.

Section 7. That any municipality may and is hereby authorized to invest in the securities herein described for the purpose of creating a sinking fund for the liquidation of any or all its bonded or other indebtedness. Provided this shall not apply to bond issues heretofore authorized but not issued.

Section 8. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Approved Sept. 28, 1923.

No. 466.)

AN ACT

(H. 1027. Fite.)

To provide for and establish in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a court to be designated the court of Domestic Relations; to provide that such courts shall be courts of record; to define the jurisdiction,

power and authority of such courts; to provide the means necessary, proper or convenient for the exercise thereof, and to regulate same, to provide for a senior judge and an associate judge, or such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction; and for their compensation; to provide for and regulate the procedure in such courts; to authorize the senior judge of said courts to determine the form of records; to provide for appeals from said courts, and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts certain causes pending in the Circuit Court and other Courts in such counties and all causes pending in Juvenile Courts in such counties, and all wards and probationers of such Juvenile Courts in such counties; to provide that if any section, paragraph or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this Act, and to designate when this Act shall take effect; and to abolish all Juvenile Courts in such counties.

Be it enacted by the Legislature of Alabama.

Section 1. That in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal census or which shall hereafter have such population, or more, according to any such census hereafter taken, there shall be, and there hereby is, created and established a Court to be designated the Court of Domestic Relations, which courts shall be courts of record and said courts shall have and exercise all the power, jurisdiction and authority which is herein, or which shall hereafter be conferred on such courts.

Section 2. The said Domestic Relations Courts of such counties shall have and exercise original and exclusive jurisdiction except as otherwise provided herein, in their respective counties, of all actions, proceedings, or causes, of whatever kind or character arising under the terms of or for the violation of any, or all laws now in force in such counties, or arising under the terms of, or for the violation of any ordinance of any incorporated city or town in said counties, or any law or ordinance which may hereafter be enacted, providing for the trial, or disposition, or involving: 1. The disposition, custody, control or protection of delinquent, dependent, or neglected children; 2. The prosecution and punishment of persons charged with the offenses of the abandonment or failure to support their wives, or of the abandonment or failure to support their children; 3. The prosecution and punishment of persons for the violation of any laws or regulations or ordinances for the education of children; 4. The prosecution and punishment of persons charged with the violation of any laws or ordinances regulating child labor; 5. The prosecution and punishment of persons charged with contributing to the dependency, neglect or delinquency of a male child under sixteen years of age, or of a female child under eighteen years of age; 6. The prosecution and punishment of assaults or assaults and batteries of husbands on their wives,

or of wives on their husbands; 7. The prosecution of and punishment of assaults, or assault and batteries of parents on their children and of children on their parents, and of such offenses on children by persons who have the custody, or control of such children, or who stand in loco parentis to such children; 8. The prosecution and punishment of persons charged with the violation of any law having as its object the protection or enforcement of the custody and control by State institutions, in said counties, of children committed to the care of such institutions, or who have been received by, or who are in, such institutions; 9. Bills, petitions or writs involving the custody of minors; 10. Such Domestic Relations Courts shall have jurisdiction to try and determine under the terms of this Act causes begun or initiated in other courts, including Police or Recorders Courts, and which causes are by law authorized to be transferred by such other courts to said Domestic Relations Courts for trial, and which causes are so transferred. "(11). Such Domestic Relations Court shall have and exercise in such counties, all the jurisdiction, functions and powers now possessed and exercised by Juvenile Courts in such counties, under the terms of an act 'Relating to dependent, neglected and delinquent children, etc.,' approved February 19, 1919, (General Acts 1919, page 128 et seq.), and all provisions of said act applying to Juvenile Courts shall likewise apply to said Domestic Relations Courts, except as is herein otherwise provided. And the Judges of such Domestic Relations Courts shall have and exercise all the power and authority of the Judges of such Juvenile Courts, as regulated in this Act. And such Domestic Relations Courts shall have and exercise in such counties all the jurisdiction and authority now possessed or exercised by Juvenile Courts in such counties under the terms of an act 'to amend the caption and sections one, two, three, four, five, six, seven, eight, nine and ten, of 'An Act to protect women and children from desertion and non-support by husbands and parents. etc.,' approved February 18, 1919, (General Acts 1919, page 176 et seq.), and of any such law enacted in the Code of Alabama at this present session of the Legislature. And all provisions of said Act or law applying to Juvenile Courts shall likewise apply to said Domestic Relations Court, except as is herein otherwise provided. And the judges of such Domestic Relations Courts shall have and exercise all the power and authority of the Judges of such Juvenile Courts under said Act, or law, except as is herein otherwise provided."

Section 3. Said Domestic Relations Courts shall have, as to, and in the trial and disposition of the causes, actions, proceedings or matters, of which said courts are herein given jurisdiction, or of which such courts may hereafter be given jurisdiction, all the power, jurisdiction and authority of Circuit and Chancery Courts, except as herein expressly provided; and such Do-

mestic Relations Courts, as to such causes, and as to the trial, and disposition thereof, are hereby given all the jurisdiction, power and authority of Circuit and Chancery Courts. The Judges of such Domestic Relations Courts, as to such causes, and as to the trial and disposition thereof, and as to such Domestic Relations Courts generally, shall each have and exercise all the power and authority of a Circuit Judge, or of a Chancellor, except as is herein otherwise provided. It being the intention of this Act, as to the matters of which said Domestic Relations Courts have jurisdiction that all laws applicable to said Circuit Court and Chancery Court, as to said matters, and as to the disposition thereof, shall apply to said Domestic Relations Courts, and the Judges thereof, except as is herein otherwise provided.

Section 4. Said Domestic Relations Courts shall have two divisions, to be designated respectively as division number one and division number two. All causes or matters arising under subdivision One (1) and Nine (9) of Section two of this Act and all equity matters, shall be docketed and heard in division number one (1); all causes and matters arising under subdivision two (2) to Eight (8) inclusive and eleven (11) of section two (2) of this Act and all criminal matters shall be docketed and tried in division number two (2) of said courts. Provided, however, that said judges by mutual agreement shall have authority to transfer any of said causes from one Division to the other for hearing. The senior Judge of said courts shall preside over division number one, and the associate Judge of said courts shall preside over division number two; provided, however, that each of said Judges shall have authority to preside over either of said divisions during the absence, disqualification or other inability of the other of said Judges, or when requested so to do by said other Judge; and it shall be their duty to do so if it shall not interfere with their other duties. Said Domestic Relations Courts, and each division thereof, shall hold their sessions at the county site, and at such other place in such counties at which sessions of a division or branch of the Circuit Courts of such counties are now, or may hereafter, be held; and shall have and keep at each of said places, separate dockets for the docketing and trial of cases at such places. The time when said Domestic Relations Courts, and each division thereof, shall be in session at said respective places shall be designated by an order of the senior judge of said Domestic Relations Courts spread upon the minutes of said Courts; provided that said Domestic Relations Courts, and each division thereof shall not hold their sessions in said place other than the county site less than twice in each month; and provided further, that the cases which shall be docketed and tried in the said Domestic Relations Courts, and in each division thereof, at their respective

sessions at the county site, and at such other place in such counties where a branch or division of the Circuit Court of such counties are now, or may hereafter be held, shall be determined by the law which now, or which may hereafter determine, what common law and criminal cases shall be tried in said respective places, in said Circuit Court. Provided, however, that said Domestic Relations Courts shall not have jurisdiction to hear causes arising under subdivision nine (9) of section two of this act, arising in the jurisdiction of a division or branch of the Circuit Courts, of said counties held at a place in such counties other than the county site; and such causes shall not be docketed or tried in said Domestic Relations Courts at its sessions in said counties at a place other than the county site; provided that nothing in this paragraph shall be so construed as to interfere in any way with the jurisdiction of said Domestic Relations Courts over dependent neglected and delinquent children, in said jurisdiction or at said place.

Section 5. The Board of Revenue or other governing body of each and every county in which a court of Domestic Relations is established by this Act shall for the Court in its respective county provide convenient and suitable quarters for the transaction of its business and also all equipment necessary or helpful for the operation thereof.

Section 6. Said Domestic Relations Court shall have no vacation period but shall always be open to receive complaints, and to hear causes provided for herein; provided that the Judges of such Domestic Relations Courts, if they so elect, shall each have a vacation period in each year, not to exceed one month. Said Judges shall so agree as to the time of their respective vacation periods as that both of said Judges shall not be absent on vacation at the same time. During the absence of either of said judges on such vacation period, or in the event of the sickness of either of said judges, or of his absence, or if he is otherwise disqualified, or unable to perform his duties for a period of time, or in a particular case, it shall be the duty of the other judge of said court to hear all causes, or as many as he conveniently can, set for hearing in such court, and in each division thereof, provided it is practicable for such other judge to do so; and provided that such judge so absent or otherwise disqualified has not appointed a special judge to hear such causes, as is herein provided for. In the event of the absence of such Judge during such vacation period or in case of the sickness of either of the judges of said Domestic Relations Court, or his unavoidable absence, or if he is otherwise disqualified, or unable to perform his duties, for a time, or in a particular case, such judge so absent or about to be absent or otherwise disqualified may, and he is hereby given power and authority, by order spread

upon the minutes of such courts, or division thereof, to appoint some practicing attorney, resident of said county, and otherwise qualified, under the terms of this Act, to serve as special senior or associate judge of such court during the time, or any part thereof, of such absence or absences, sickness or disqualification of such senior or associate judge of said court. Such special judge, when so appointed, shall have authority, and he shall, during the absence, illness, disqualification or other inability of such senior or associate judge, or the part thereof, for which he was appointed, perform all, or any designated part, of the duties imposed by law on such senior or associate judge of said court. Said special judge shall not receive any compensation for his services so rendered from such county.

Section 7. There shall be a senior judge and an associate judge for each of said Domestic Relations Courts, whose terms of office shall be for six years, and until their successors are appointed and qualified, as provided for herein. Upon the approval of this Act by the Governor it shall be his duty and he shall appoint a senior Judge, who shall have had at least five year's experience as a Judge, and an associate judge for each of said divisions of said court, whose terms of office shall be for six years from the date of said appointment, and until their successors are appointed and qualified, which successors shall be appointed by the Governor of Alabama. Such judges shall have been citizens of the State, and of the county in which said court exercises its jurisdiction for at least five years before their appointment, shall be learned in the law, and shall not be less than twenty-five years of age, and said associate judge shall be an experienced, well qualified practicing lawyer. They shall be persons of high moral character, of clean life, and shall be selected for their special fitness by training, education and experience to deal with the problems of dependent, neglected and delinquent children, and of the home and family life. During their terms of office they shall not engage in any other gainful occupation, or calling, but shall devote all of their time to the duties of their said offices. The salary of every senior judge of said Court of Domestic Relations shall be forty-eight hundred (\$4800.00) dollars per year, and the salary of every associate judge of said Court of Domestic Relations shall be three thousand (\$3000.00) dollars per year, and all of said salaries shall be payable in twelve equal monthly installments out of the general funds of the county in which said court is located and exercises its jurisdiction. The senior Judge of such courts shall have authority where not otherwise provided by law to fix the character and form of the records of such courts.

Section 8. Said Domestic Relations Courts shall have a clerk and register at each place in said counties where it holds

its sessions. The senior judge of said courts shall designate a probation officer or officers of deputy probation officer or officers at each place in said county where it holds its sessions to act as clerks and registers of said court at such place and when so designated such probation officer or officers shall be known as clerk and register of said court at such place and shall have in addition to the authority herein conferred on probation officers, all the power and authority as to causes and matters in said courts as clerks of Circuit Courts and Registers in Chancery possess as to such courts and causes. Before entering into the discharge of such duties, such probation officer or officers shall make and file a bond which shall be in addition to his or her bond as probation officer, in the sum of two thousand dollars (\$2,000.00) conditioned as clerks of Circuit Courts bonds are conditioned. Such last named bonds shall be taken and approved as are the bonds of Circuit Clerks. The premium on such bonds shall be paid by the county in which said court exercises its jurisdiction.

Section 9. It shall be the duty of the Circuit Solicitor of such counties, who is hereby made an officer of said court, either himself or by his deputy, to represent the State in any or all criminal causes tried in said Domestic Relations Courts, when requested so to do by the judge of said court before whom such criminal cause is to be heard. In any such cause in which the said solicitor, or his deputy, so appears, if the judge hearing such cause shall order the costs taxed and collected in accordance with the provisions of this Act, there shall be taxed and collected, in addition to the other costs, a solicitor's fee of twenty-five dollars, which when collected shall be paid into the County Treasury of said county. It shall be the duty of the clerks and registers of said court to report and pay to the County Treasurer, on or before the fifth day of each month, all such fees so taxed and collected during the preceding month. There is hereby created, for the purpose of aiding in carrying out the provisions of this Act, an additional deputy solicitor in all such counties, who shall be appointed by the solicitor and who shall serve at the will of the solicitor. Such additional deputy solicitor shall receive a salary of three hundred dollars per month payable monthly upon the warrant of the solicitor drawn upon the County Treasurer, whose duty it shall be to pay said warrant or warrants out of the general fund of such county.

Section 10. Such dockets as are necessary or convenient shall be kept at each place where such Domestic Relations Courts holds its sessions. It is hereby declared to be in the interest of the public good that all cases arising under this Act, and of which said courts are given jurisdiction, shall have a speedy trial, and to that end the judges of said Domestic Relations Courts shall have authority to fix the days or time when the

cases on said respective dockets at said respective places, where said court holds its sessions, shall be called to trial; provided such cases shall not be tried at an earlier date than five days from the services of the process or warrant; if objections thereto is made by the defendant, or respondent, or by the parent, parents, custodian or guardian ad litem of respondent.

Section 11. The costs and fees in said Domestic Relations Court shall be the same as in the Circuit and Chancery Courts in such counties; and shall be so ordered; but the object of this Act being to better provide the means of conserving the welfare of children; the home and family life; and realizing that most of those who will have to do with the said Domestic Relations Courts are poor and without the means to pay costs or fees, and that to collect costs would tend to defeat the ends sought to be accomplished, either of the Judges of said Domestic Relations Courts shall have power and authority to order that no costs, or fees, or any part thereof, be taxed or collected, in said court, in any case arising under this act, tried in said court, when he shall deem it just in the interest of the public welfare to do so.

Section 12. In all cases of misdemeanor of which said Domestic Relations Courts are herein given original and exclusive jurisdiction, or of which said courts shall be given jurisdiction by any other act, complaints shall be made to the chief probation officer of said Domestic Relations Courts, or to some one designated by him, who shall cause the facts stated to be true by such complainant to be reduced to writing. Such complainant, and said written statement of facts shall be brought before a judge of said Domestic Relations Court or the solicitor or any deputy solicitor of the Circuit Court. When the complainant and such written statement are presented to either of the officers named in the preceding sentence the officer before whom said complainant under oath or affirmation concerning such statement, and any other matters by him deemed necessary in relation to such complaint, and if such officer have probable cause for believing that the offense complained of has been committed in such county and that the person accused has committed same, he shall have authority to issue a warrant for the arrest of said accused person returnable to said Domestic Relations Court, and to fix the amount of bail bond that said accused person shall give; provided that at any time either of said officers may increase or reduce the amount of bail as may seem just; and provided further that the officer issuing such warrant may in his discretion at the time of issuing same endorse thereon that the officer serving same may accept the signature of the defendant on said bail bond as sufficient security. Either of the officers mentioned herein, or the sheriff of such county may approve said bail bond.

Section 13. Such warrants shall be executed and returned as are warrants issued from and returnable to the Circuit Courts of such counties; provided however that in addition to the sheriff of said county or his deputy, any probation officer of said Domestic Relations Court, or any police officer of any municipality in such county or any constable of such counties shall also have authority to serve same, and his return shall have the same force and effect as that of the sheriff. The officer serving same shall immediately thereafter make return thereof to the said Domestic Relations Court. In the trial of all misdemeanor cases arising under this Act, or of which said Domestic Relations Courts are otherwise given jurisdiction, said Domestic Relations Courts shall determine both the law and the facts without the intervention of a jury and shall award such judgment, under the terms of this Act, or as is provided by law, as shall seem just. From such judgment the defendant shall have the right to appeal to the Circuit Court of such county and to demand in said Circuit Court a trial by jury, as provided for herein.

Section 14. In the trial of any misdemeanors of which such Domestic Relations Courts are given exclusive and original jurisdiction by the terms of this Act, or by any other Act, or jurisdiction by transfer from another court, upon the entry of a plea of guilty or upon conviction, the judge of said Domestic Relations Court trying said cause, or hearing such matter, may in his discretion by proper order entered upon the minutes of said Domestic Relations Courts defer, or withhold sentence, or the imposition of the penalty provided by law, and may by such order release the defendant on probation under such terms and conditions as to him shall seem just and conducive to the ends sought in this act; or the said Judge after imposing sentence may by such order suspend such sentence or stay the execution thereof, or any part thereof, and may by such order, release such defendant on probation upon such terms and conditions as to said Judge shall seem just and conducive to the ends sought in this Act. At the time of withholding or suspending such sentence, the said Judge shall have the right to order, as a condition thereto, that the defendant execute a probation bond to be approved by said Judge in such sum as shall seem just, conditioned to comply with the terms of the said order or stay or suspension or release. Such bond may be with or without surety.

Section 15. If at any time either of the Judges of said Domestic Relations Courts be satisfied by such evidence or proof as to him shall seem sufficient that such defendant has violated the terms of any such order of release, or of any such probation bond, said judge may forthwith or after further probation, without notice to such defendant, issue a warrant for the arrest.

of such defendant, to bring such defendant before the court instantler, or that said defendant shall appear before the court at a time fixed in said warrant or arrest, in which latter case pending such time such defendant shall have the right to bail in such reasonable sum as the Court or a Judge thereof shall fix, failing to make which defendant shall be committed to jail to be brought before the Court for the imposition of the stayed sentence, or to serve the suspended sentence, as the case may be; in the last contingency the said judge shall set aside the suspension of such sentence before issuing said warrant. The Judges of such Domestic Relations Courts, or either of them shall also have the right and authority from time to time after any part of such sentence has been served to release such defendant from the remaining part of such sentence, and to suspend the remaining part thereof, and to enforce or reenforce the remaining part as the Judge trying such case had in the first instance. The terms of such sentence, or of any remaining part thereof, after a part thereof shall have been served, shall commence from the date upon which sentence, or such remaining part thereof, is ordered to be enforced. No such sentence, or any part thereof, shall be stayed or suspended for a period longer than one year, nor shall said sentence, or any part thereof, be enforced after said period of one year from the date of the original stay or suspension thereof. If at any time after the original stay or suspension of said sentence, it shall appear to the satisfaction of either of said Judges, that such defendant has complied faithfully with the terms of said stay or suspension, the said Judge may enter an order staying or suspending such sentence absolutely, in which case such defendant shall be released therefrom.

Section 16. Upon the violation of the terms of any appearance, or probation bond provided for in this Act or under the terms of any other Act giving said Domestic Relations Court Jurisdiction, either of the said judges sitting as the court shall have authority and shall proceed with the forfeiture of such bonds in the same way in which bail bonds are forfeited in the Circuit Courts of such counties. In the event that one of the conditions of such probation bond was payment of money for the support of the defendant's wife, or child, or children, then in that event any money collected on such bond shall be held by said register and clerk for the use of such wife, child, or children, to be paid by to them or to some person, agency, or institution for their use, by said register and clerk under the direction and in accordance with the orders of the said Domestic Relations Courts.

Section 17. Every motion for a new trial, or application for rehearing of any cause decided in said Domestic Relations Courts shall be filed with the Clerk and register within five

days after the rendition of said judgment or decree, except as is herein otherwise provided for; and said motions shall be promptly heard, and decided by said court. In ruling on such motions, the court shall have the right either to set aside the judgment, order or decree complained of, and order a rehearing or new trial; or it may modify such decree, order or judgment in any way that the court could have done at the original hearing; or at the time such order was made, and as shall seem just. And the court may, in matters of discretion, *ex mero motu*, amend such orders as to it shall seem just.

Section 18. An appeal may be taken, by any party aggrieved, from any final order or judgment of said courts, in any criminal case, to the Circuit Court of such counties; and from any final order or decree, in any Equity case, to the Chancery Court of such counties, or to the Circuit Courts of such counties, sitting as a Court of Equity, within ten days from the rendition of such order, decree, or judgment, and not thereafter; provided that if either of the Judges of such Domestic Relations Court in the case of an appeal in any Equity case, be of the opinion that such appeal is taken for delay merely, and not the purpose of obtaining a hearing of the case on its merits, he may decline to allow such appeal; and provided further that in such event the party so aggrieved shall have the right to apply to any Circuit Judge or Chancellor in said county for an order to said Domestic Relations Court to grant said appeal, and if such order be issued, such appeal shall be granted by said Domestic Relations Court as in other cases. In all equity cases, the appellant shall be required to execute an appeal bond in such reasonable sum as a judge of said Domestic Relations Court shall require, which bond shall be approved by said judge, conditioned to comply with any order or decree rendered by said Circuit or Chancery Court, including the costs on appeal in said Court; and said bond, in the case of a dependent neglected, delinquent or minor child may be upon the further condition that said child shall appear in said court at the trial of said appeal case to answer the order or decree of said Circuit or Chancery Court. In the case of any dependent, neglected, delinquent or minor child, regardless of such appeal, and pending same, the said Domestic Relations Court or either of the Judges thereof, shall have authority to make such order, or orders, for the custody of such child pending the hearing on appeal, as shall be for the protection and welfare of such child, and of all parties in interest; and such judge shall have the right to require such bond as shall be reasonable, to be approved by him, to insure compliance with such orders for the custody, protection and welfare of such child, pending such appeal. In all criminal cases, the defendant, appellant, at the time of taking such appeal, shall have the right to demand a trial by jury in said Circuit Court, and upon such demand

shall be tried at the hearing of said case in said Circuit Court. Pending the hearing of said appeal the defendant shall be entitled to be released free from custody upon his entering into bail in such reasonable amount as either of the judges of such Domestic Relations court shall fix conditioned upon his appearing in said Circuit Court to answer the charges pending against him on said appeal, which bail bond shall be approved by said Judge or the Sheriff of said county. If such defendant appellant, fails to make the required bail bond, and to have same approved, he shall be confined to the County jail until tried on such appeal. Upon taking of such appeal, the clerk and register of said Domestic Relations Court shall at once certify, to the clerk of the Circuit Court or the Register in Chancery, or such County, all papers in the case appealed, together with a transcript of all proceedings had in said Domestic Relations Court in said matter. All such cases so appealed shall be regarded as preferred cases in said Circuit or Chancery Courts, and shall be promptly heard; and it shall be the duty of the Clerks or registers of such Courts, and the judges thereof, to see that such appealed cases have a prompt hearing. Upon such appeal, the said Chancery or Circuit Court shall proceed under and in pursuance of the terms of this Act, or of the law governing such cases, to try said causes de novo and shall render such judgment, order or decree as to it shall seem just. In the hearing of such appeals and in the rendition of judgments therein, the said Chancery and Circuit Courts and the judges thereof, shall have and exercise all the discretionary powers which are by law vested in said Domestic Relations Courts, or the judges thereof. Upon the rendition of its judgment, order, or decree the said Chancery or Circuit Court shall cause a copy of its said judgment, order or decree to be filed with the clerk and register of said Domestic Relations Court: which when so filed, shall thereupon become, also, the judgment, order or decree of the said Domestic Relations Court; and said Domestic Relations Court shall have the same power, jurisdiction and authority to deal with such dependent, neglected, delinquent or minor child, or such respondent or such defendant, under such judgment, order or decree as if same had been rendered by said Domestic Relations Court in the first instance; and as to such judgment, orders or decrees such Domestic Relations Court shall have and exercise all the discretionary power and authority vested in such Courts as to judgments, orders, or decrees rendered by such Courts, in the first instance. In the event that the defendant in a criminal case on such appeal is sentenced to jail or hard labor for the county he shall be remanded to jail to answer such sentence; and in the event that such sentence is withheld or suspended and defendant is released on probation, the Court shall inform such defendant as to his duties under such probation

order, and shall cause the probation bond herein provided for, to be filed with the Clerk and register of said Domestic Relations Court, and said bond shall thereafter be subject to forfeiture in the same manner as if filed originally in said Domestic Relations Court. In the event that such Chancery or Circuit in the exercise of its equity jurisdiction does not dismiss such petition, bill or proceedings and does not discharge such dependent, neglected, delinquent or minor child, or such respondent, such equity Court shall inform such child, or person, of their duties under the order or decree of said Court in said cause, and shall remand such child or person to the said jurisdiction of said Domestic Relations Court under the terms of and to be dealt with by said Domestic Relations Court under the terms of said order or decree; and thereafter said Domestic Relations Court shall have the same power and authority under said order or decree, as if said Domestic Relations Court had rendered said order or decree in the first instance.

Section 19. Upon the taking effect of this Act all causes of which said Domestic Relations Court is given original and exclusive jurisdiction pending in the Circuit and Chancery Courts of such counties and all causes pending in the Police, Juvenile or Recorder Courts or other courts of any such county, shall be hereby transferred to the dockets of the said Domestic Relations Courts herein created, and such Domestic Relations Courts shall have full power and authority to hear, determine, or to do or take further proceedings in such case, as had such Circuit, Chancery, Juvenile, Recorders, Police or other courts, or the judge, or judges thereof; and all wards and probationers of such Circuit and Juvenile Courts shall become wards and probationers of such Domestic Relations Courts, and may be dealt with by said Domestic Relations Court as could such Circuit or Juvenile Courts or judge, or judges. Provided, however that this section shall not apply to any case or cases which may have heretofore come to the Circuit Court in any such county by appeal from a judgment of any inferior or Juvenile Court.

Section 20. Said Domestic Relations Courts shall have an official seal which seal shall be of the same general design as the seals of Circuit Courts of this State. The words "Domestic Relations Court of County" shall appear around its border, and the word "Seal" shall appear in the center of said seal.

Section 21. This Act being remedial in its nature shall be liberally construed that it may accomplish the beneficent purposes intended thereby; and should any section, or other part thereof be declared unconstitutional by a court of competent jurisdiction, on the ground that said Domestic Relations Court cannot be given exclusive jurisdiction of a particular matter or

subject so provided for herein, then and in that event as to such matter or subject, such Domestic Relations Court shall have original and concurrent jurisdiction, with the Circuit and Chancery Courts of this State. No decision by a court of competent jurisdiction declaring a part of this Act unconstitutional shall affect the remainder thereof.

Section 21½. Be it further enacted that all Juvenile Courts in all such counties are hereby abolished.

Section 22. All laws or parts of laws inconsistent or in conflict with the terms of this Act are hereby expressly repealed.

Section 23. This Act shall take effect immediately upon its approval by the Governor, the public welfare demanding it.

Approved Sept. 28, 1923.

No. 467.)

(SJR. 184. Craft.

SENATE JOINT RESOLUTION

WHEREAS friendly relations have been re-established with our government and that of our sister republic Mexico; and

WHEREAS the people of Alabama have a deep concern for the welfare of the people of Mexico and wish for them an onward march of peace, contentment and prosperity in all of their educational progress and development of their wonderful resources that are so wisely inaugurated under the leadership of its illustrious statesman, President Obregon and its Congress for the betterment of its people, and that the relations of our government with the people of Mexico will ever continue, growing closed in bonds of friendship;

BE IT RESOLVED that the Legislature of Alabama extends its greetings to the President of Mexico, its Congress and the people, with best wishes for its peace, happiness and development of its industrial life.

BE IT FURTHER RESOLVED that Governor Wm. W. Brandon be requested to transmit copies of this resolution of the people of Alabama to the President, Congress and citizens of our sister republic, Mexico.

Approved Sept. 28, 1923.

No. 468.)

(S. J. R. 182. Waddell.

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House concurring, that when the Acts of the Legislature of 1923, shall have been published, the Secretary of State is hereby directed to send to each Senator, the Lieutenant Governor, Secretary and Assistant

Secretary of the Senate, Clerk and Assistant Clerk of the House and to each representative, two copies of said Acts of 1923, together with one copy of the Journal of each House.

Approved Sept. 28, 1923.

No. 469.)

(SJR. 189. Hutson.)

SENATE JOINT RESOLUTION

WHEREAS the offer of Henry Ford for the purchase of Muscle Shoals and Gorgas Plant has already accomplished great good in making Muscle Shoals an obvious national necessity, and in securing for the coffer of the Government nearly Three and One-half Million Dollars; And

WHEREAS, the Legislature of Alabama fully realize that the purchase of the Muscle Shoals property by Henry Ford will mean many benefits and much good to the people, and especially the farmers of the United States: And

WHEREAS the sale of the Gorgas Plant to the Alabama Power Company makes it necessary for Henry Ford to modify his offer for the Muscle Shoals:

BE IT THEREFORE RESOLVED BY THE SENATE, of Alabama, The House of Representatives concurring, that Henry Ford be earnestly requested to modify his offer and continue his fight for the Muscle Shoals Property, that this great natural resource may be utilized for the benefit of the people of the United States. And

BE IT FURTHER RESOLVED that the Governor of Alabama be instructed to send a copy of this Resolution to Henry Ford.

Approved Sept. 28, 1923.

No. 470.)

(HJR. 108. Culver.)

HOUSE JOINT RESOLUTION

WHEREAS, the several educational institutions in Alabama have responded to requests from the Veterans' Bureau, formerly the Federal Board for Vocational Education, in providing training facilities so far as such facilities were available for the training of ex-service men, and

WHEREAS, the Veterans' Bureau has provided these institutions with some additional equipment necessary for the training of such men, and now that the number of trainees is rapidly diminishing and those left are being assembled at concentrated points, thereby making it unnecessary for such State institutions to provide for the training, and

WHEREAS, there remains in such institutions equipment of various kinds which was used in the Veterans' Bureau's training program,

BE IT RESOLVED: First: That the attention of the Governor of Alabama be called to the fact that such equipment is the property of the United States Government and is subject to removal after contracts for training courses are no longer effective; Second: That the Governor be requested to petition the proper authorities requesting that such equipment be donated to the cooperating institutions, or, if it is inconsistent with the policy of the Veterans' Bureau to donate this equipment, to offer it for sale to the institution at a minimum cost.

Approved Sept. 28, 1923.

No. 472.)

(H. 613. Mrs. Wilkins.

AN ACT

In reference to the Alabama School of Trades and Industries; to give the trustees of said school authority to change the location for said school; to provide for the refunding of certain monies heretofore subscribed for the use of said school and to extend the terms of the trustees of such school and to provide for its future management and control.

Be it enacted by the Legislature of Alabama:

Section 1: That the Board of Trustees or Board of Control of the Alabama School of Trades and Industries shall have authority before the erection of any building or buildings of said school to select another location for said school than Ragland, Alabama, if in the opinion of said Board of Trustees or Board of Control such other location is more suitable for such school; provided, however, that no change shall be made for the location of said school unless all persons residing in St. Clair County, Alabama, have first been refunded all money heretofore paid or donated by them for the use of said school, with interest thereon from date of such payment.

Section 2: That the terms of the members of the present Board of Trustees or Board of Control of the Alabama School of Trades and Industries, are hereby extended until September 30, 1927, after which said date the entire management and control of said school shall be vested in the State Board of Education.

Approved Sept. 29, 1923.

No. 473.)

(S. 373. Foster.

AN ACT

To amend Section 6866 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 6866 of the Code of 1907 be amended so as to read as follows: 6866 (4707) (3998) (4600)

(3902) (354) Escapes and attempts to escape from penitentiary, hirer, or guard and failure to return at expiration of temporary parole.— Any convict who escapes, or attempts to escape, from the penitentiary, or from any person to whom he may be hired, or from any person or guard having him in charge under authority of law, either within or outside the walls of the penitentiary, or who having been granted a temporary parole wilfully fails to return to the place of custody designated by the officer granting the parole, on expiration of the temporary parole, before the expiration of the term for which he was sentenced, must, on conviction, be imprisoned for an additional term of not less than three months nor more than one year.

Approved Sept. 28, 1923.

No. 474.)

(S. 220. Adams.

AN ACT

To amend section 2047 of the Code of Alabama as last amended.

Be it enacted by the Legislature of Alabama:

Section 1. That section 2047 of the Code of Alabama as last amended be and the same is hereby amended so as to read as follows:—For the purpose of constructing, repairing and maintaining all houses and buildings, water tanks, towers, and water-mains and of the lighting system and plants connected with the confederate soldiers home at Mountain Creek, Alabama, there is hereby appropriated the sum of ten thousand dollars, which sums shall be expended and paid out of the state treasury upon the warrants of the state auditor on bills, accounts, or orders to be approved by the State Board of Convict Supervisors, the Governor, and the Executive Committee of the Board of Control of the Home for Confederate Soldiers at Mountain Creek. For the purpose of support and maintenance of a hospital for confederate soldiers at Mountain Creek, Alabama, including help and servants, nurses, and other necessities thereof, there is appropriated annually the sum of three thousand six hundred dollars. For necessary and proper repairs for the upkeep of the fences, farms, live stock, and all other temporary and proper repairs, and for insurance of the buildings and other property of the Home, there is appropriated annually the sum of one thousand dollars. For the care, support and maintenance of each inmate in the Home, there is appropriated annually to the Home the sum of three hundred dollars. For the personal use and benefit of each inmate, the sum of five dollars per month so long as they remain inmates of such Home, which amount shall be paid to the inmates themselves. For the purpose of paying the salaries of all officers of the Home, there is annually appropriated the sum of four thousand dollars, which salaries are as

follows:—The commandant, two thousand dollars per annum; the adjutant, one thousand dollars per annum, the resident physician, one thousand dollars per annum. All of the foregoing appropriations except the first ten thousand dollars shall be paid out of the state treasury upon warrants drawn by the state auditor on orders to be approved by the Executive Committee of the Board of Control of the Soldiers Home at Mountain Creek, Alabama, and by the Governor, and shall be paid at such times and in such amounts as orders therefor shall be presented and approved as is herein provided.

Approved Sept. 28, 1923.

No. 475.)

(S. 433. Foster.

AN ACT

To change the name of the "State Board of Convict Supervisors" to the "State Board of Administration."

Be it enacted by the Legislature of Alabama.

Section 1. That the name of the "State Board of Convict Supervisors" be and the same is hereby changed to "State Board of Administration."

Section 2. That all acts authorized to be done by or in the name of the "State Board of Convict Supervisors" shall hereafter be done and executed in the name of the "State Board of Administration."

Section 3. That this Act shall take effect October First, Nineteen Hundred and Twenty-three.

Approved Sept. 28, 1923.

No. 476.)

(S. 428. Randall.

AN ACT

To provide for the introduction in evidence of a sheriff's deed without independent proof of facts or proceeding recited in such deed.

Be it enacted by the Legislature of Alabama that the recitals, in a sheriff's deed, of a judgment, an execution, a levy, and a sale thereunder, or of any one or more of such facts, or proceedings, shall be prima facie evidence of the fact or proceeding recited. And such sheriff's deed when properly executed shall be received in evidence without independent proof of such fact or proceeding recited.

Approved Sept. 28, 1923.

No. 477.)

(S. 427. Randall.

AN ACT

To prohibit members of the Court of County Commissioners or Boards of Revenue in the State of Alabama from awarding contracts in which the county of which such County Commissioner or member of a Board of Revenue resides to any person related to them, by blood or marriage, within the fourth degree, or to employ any such relatives to do any work for said county and to provide punishment for the violation thereof.

Section 1. *Be it enacted by the Legislature of Alabama* That it shall be unlawful for any member of any Commissioners Court or Board of Revenue to award any contract in which the County of such Commissioner or member of Board of Revenue is interested to any person related, either by blood or marriage within the fourth degree to such Commissioner or member of Board of Revenue, or to employ any such relative to do any work for said County, or to act as agent for any such member in any work in which such County is interested.

Section 2. Be it further enacted by the Legislature that any County Commissioner or member of any Board of Revenue in the State of Alabama who shall violate Section 1 of this Act shall be found guilty of misdemeanor and on conviction shall be fined not less than \$10.00 or more than \$100.00.

Section 3. Be it further enacted that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 4. Be it further enacted that this law shall take effect upon its approval by the Governor.

Approved Sept. 28, 1923.

No. 478.)

(S. 242. Ellis.

AN ACT

To validate certain bonds heretofore or hereafter issued by municipal corporations in Alabama.

WHEREAS Section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution sale and security of such bonds" contains the follow-

ing limitation, to-wit: "but no bond bearing six per cent interest shall run for a longer period than ten years," Now therefore,

Be it enacted by the Legislature of Alabama:

Section 1. All bonds heretofore or hereafter issued in contravention of the said limitation are hereby validated, provided that in other respects they were or are issued according to law.

Approved Sept. 28, 1923.

No. 479.)

(S. 311. Tunstall.

AN ACT

To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

Be it enacted by the Legislature of Alabama:

Section 1. That in the trial of an equity case in the circuit court or other court of competent jurisdiction in this State, it shall not be required or necessary that objection be made to any testimony which may be offered by either party, and that on the consideration of an equity case the court shall consider only such testimony as is relevant, material and competent, and shall exclude and not consider any testimony which is irrelevant, immaterial or incompetent, whether objection shall have been made thereto or not, and on appeal the Supreme Court shall consider only the testimony which is relevant, material and competent, and that it shall not be required or necessary for either the trial court or the Supreme Court to point out or indicate what testimony, if any, should be excluded or not considered. Nothing herein contained, however, shall prohibit any party from calling attention to testimony which is considered objectionable either by objection thereto or by brief or argument.

Approved Sept. 28, 1923.

No. 480.)

(S. 306. Ellis.

AN ACT

To amend section 147 of the Code of Alabama of 1907 relating to itemizing, proving, entering and filing claims.

Be it enacted by the Legislature of Alabama:

Section 1. That section 147 of the Code of Alabama of 1907 be and same is hereby amended so as to read as follows: 147 (1417) (902) (827) claims must be itemized, proved, entered and filed.—No claims against the county shall be passed upon or allowed by the court of county commissioners unless it is itemized and sworn to by the claimant, or some person in his behalf having personal knowledge of the facts; and all claims passed upon and allowed, according to this section, must be entered in the order in which they were allowed, in a book kept for that

purpose, and filed for future reference, within two weeks after the term at which such allowances were made; and the testimony required in the allowance of a claim must show whether or not any part thereof has been previously paid, provided, however, that this section shall not apply to bonds and interest or interest coupons thereon, that have been lawfully issued by the county.

Approved Sept. 28, 1923.

No. 481.)

(S. 383. Tunstall.

AN ACT

To authorize and empower the Probate Court to sell the lands of a testator for the payment of legacies, when legacies are made a charge on such lands and no power is conferred upon the personal representative to sell the same, and to regulate the practice in such cases.

Be it enacted by the Legislature of Alabama:

Section 1. Lands of an estate may be ordered sold by the Probate Court having jurisdiction of the estate, for the payment of pecuniary legacies, when such legacies are expressly or by necessary implication made a charge on such lands and the will does not confer upon the personal representative the power or authority to make sale of lands for such purpose.

Section 2. The application for the sale of lands for the payment of legacies must be made by the executor by petition, verified by affidavit, to the Probate Court having jurisdiction of the estate; it must describe the lands accurately and give the names of the devisees and their places of residence and must state whether any and which such devisees are under the age of twenty-one years or of unsound mind, and must also show that the lands prayed to be sold are charged or chargeable, expressly or by necessary implication, with the payment of pecuniary legacies, and that no power is given the personal representative to sell the lands for such purpose.

Section 3. Notice of the filing of such petition must be given as provided by law on petition by the personal representative to sell lands for division or for the payment of debts, and testimony shall be taken and all other proceedings had and the sale, if ordered, shall be made as now provided by law for the sale of lands by personal representatives for the payment of debts.

Approved Sept. 29, 1923.

No. 482.)

(S. 241. Ellis.

AN ACT

To amend Section 11, of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding

such elections and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such elections vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds."

Be it enacted by the Legislature of Alabama:

Section 1: That Section eleven of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such elections vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds," be and the same is hereby amended so as to read as follows: 11. That the denomination of the bonds, and the time for which they are to run, the place of payment and the rate of interest to be paid on the same shall be fixed by the governing body of the municipality issuing the bonds; provided, that no bonds issued under the provisions of this Act shall run for a longer period than thirty years and that the rate of interest on all bonds issued by cities with a population of over five thousand, shall not exceed seven per centum per annum, but towns and cities of less than five thousand population may issue bonds bearing interest at a rate of not exceeding eight per centum per annum and bonds bearing such rates of interest shall not be sold for less than par, with accrued interest to date of delivery, but the governing body of the town or city issuing such bonds may fix a lower rate of interest and sell such bonds below par, but such bonds shall not be sold at such a discount as will cost the municipality issuing the same a greater rate of interest, taking the discount into consideration, than specified above; Provided however that no municipality shall sell at private sale any municipal bond or bonds until after notice thereof shall have been first given by publication once a week for two consecutive weeks, in a newspaper published in the county in which the municipality is situated, if there be a newspaper published in such county, and if there be no newspaper published in the county, then notice of such sale shall be given by posting in three public places in said municipality for two weeks. The notice, whether published or posted, shall contain a statement of the amount of bonds to be sold, the rate of interest they are to bear, the date and maturity of the bonds and the terms and conditions under which they are to be sold.

Section 2: This Act shall take effect immediately after its approval, and all laws and parts of laws in conflict herewith are hereby repealed.

Approved Sept. 29, 1923.

No. 483.)

(S. 304. Ellis.

AN ACT

To amend Section 146 of the Code of Alabama of 1907 relating to auditing and registry of claims; how paid.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 146 of the Code of Alabama of 1907 be and the same is hereby amended so as to read as follows: 146 (1416) (901) (826) (907) (773) AUDITING AND REGISTRY OF CLAIMS; HOW PAID.—The Court of County Commissioners must, in term time, audit all claims against their respective counties; and every claim, or such part thereof as is allowed, must be registered in a book kept for that purpose; and the judge of probate must give the claimant a warrant on the treasury for the amount so allowed; provided, however, that bonds and interest coupons evidencing interest on such bonds, lawfully issued by the county, shall not be required to be registered or to be proved, nor shall warrants be required to issue therefor, but in addition to all other privileges, shall be held to enjoy all the privileges of registered warrants from the date of their lawful issue, and shall be held to be allowed claims from the date of their lawful issue.

Approved Sept. 29, 1923.

No. 484.)

(S. 305. Ellis.

AN ACT

To amend an Act entitled "An Act to amend Section 153 of the Code of Alabama" approved September 30th, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled an Act to amend Section 153 of the Code of Alabama approved September 30th, 1919, be and the same is hereby amended so as to read as follows: 153 (1423) (908) PREFERRED CLAIMS AND THE ORDER OF THEIR PRIORITY,— The following claims are declared to be preferred claims against the county, and they shall be given priority in the order named: 1. Costs of heating the County jail in cold weather, of supplying it with wholesome water for drinking and bathing, of keeping it in a cleanly condition, and free from offensive odors, and of providing it with necessary water closets and dry earth, beds, bedding and clothing. 2. Expenses of the Courts; claims of grand and petit jurors, extra bailiffs allowed by the court for services during the term, and expenses of board and lodging of jurors engaged in trial of cases where ordered by the court to be kept together, as shown by the certificates issued by the clerk to them; claims of the

Court reporters as shown by the certificates issued to them by the judge of the circuit; fuel; water; lights; and janitor's services at the court house and jail. 3. Premiums for fire insurance on the public buildings of the county; premiums on surety bonds of public officers where authorized by law to be paid by the county; claims for necessary stationery and office supplies, including typewriters and supplies for offices of the probate judge, clerk and register and court reporter. 4. Compensation of the members of the Court of County Commissioners or boards of revenue; the compensation of the probate judge, the sheriff, tax assessor, clerk of the Circuit Court, jury commissioners and deputy solicitor for services performed by them, and authorized to be paid to them by law; and claims of the secretary of State for certified copies of field notes. 5. Claims for the support of the poor. 6. Interest on bonds heretofore and hereafter lawfully issued by the county, in the order of their issuance, as evidenced by the interest coupons attached to such bonds or by the bonds themselves. For the payment of the above recited claims, in the order named, it shall be the duty of the County Treasurer or custodian of the county funds to set apart a sufficient fund from the monies of the county and he and his official bond shall be held liable for a failure so to do, insofar as the funds of the county make it possible for him so to do.

Section 2. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 485.)

AN ACT

(S. 388. Craft.

To regulate corporations engaged in the business of issuing guaranties of title to land.

Be it enacted by the Legislature of Alabama:

Section 1. Every corporation engaged in the State of Alabama in the business of issuing guaranties of title to land shall have a paid up capital of not less than one hundred thousand dollars and must be examined by the Commissioner of Insurance when and as often as he may deem advisable, but at least once every two years, and shall be examined by him at any time that a request for such examination is made in writing by the corporation and also when such request, if he believes it is made in good faith, is made by any ten stockholders thereof who shall make affidavit of their belief, with specifications of their reasons therefor, that said corporation is in unsound condition. Such corporation shall pay the proper charges incurred in such exam-

ination, including the expenses of the Commissioner of Insurance or his deputy, and the expenses and compensation of his assistants employed therein, provided, however, that such corporation shall not be required to pay for more than two examinations in any one calendar year.

Section 2. The funds of such corporation may be invested in real property, personal property, title plants (that is books, papers, maps, and all things incident to abstract or title books), stocks, bonds, mortgage or other liens, and such other assets or investments as the corporation may see fit; provided that the corporation shall, at all times, have not less than Fifty Thousand (\$50,000.00) Dollars of its capital or surplus and undivided profits in investments other than its title plant, and provided further that if any investment of the corporation, in the opinion of the insurance commissioner, is in unsafe or insecure investments, and such investments, if a loss, in whole or in part, would impair the capital stock of the corporation, then the Commissioner of Insurance may require the corporation to dispose of such unsafe or insecure investment in such reasonable time as he may prescribe and make good the impairment, if any, of the capital stock, and provided further that the corporation shall not make loans on its own capital stock as collateral.

Section 3. Such corporation shall on or before March 1st. in each year make to the Commissioner of Insurance a report of its condition at the close of the preceding calendar year, said report to be made in such form and detail as may be prescribed from time to time by the Commissioner of Insurance, to be sworn to by some officer of such corporation and to be accompanied by a filing fee of ten dollars. And such corporation may on its own motion file other reports with the Commissioner of Insurance at any time it may desire.

Section 4. Should the capital of such corporation become impaired the Commissioner of Insurance shall notify it to make good the impairment within sixty days from the date of such notice and if this is not done the corporation shall cease to do business.

Section 5. Should the Commissioner of Insurance, upon examination be of the opinion that such corporation is insolvent, or has failed to make good the impairment of its capital as provided for in the preceding section or has exceeded its powers, or has failed to comply with any provision of the law, or that its condition is such as to render its further proceedings hazardous to the public, or to its guaranty holders, he may in his discretion instruct such corporation to desist, in whole or in part, from further proceedings with its business, or may instruct such corporation to wind up its business under his supervision and control. He may also in his discretion apply to a court of competent jurisdiction, through the Attorney General of the State, to

issue an injunction restraining such corporation, in whole or in part, from further proceedings with its business; and such court may, in its discretion, issue the injunction forthwith, or upon notice and hearing thereof, and after a full hearing of the matter, may dissolve or modify such injunction or make it perpetual. He may also in his discretion so apply to said court to appoint, and said court may thereupon in its discretion appoint, a receiver to take possession of the property and effects of such corporation and wind up its affairs.

Section 6. Such corporation shall not reduce its capital or wind up its business or distribute its capital assets or dissolve, without in some way providing for the protection of the holders of its guaranties of title by reguaranteeing its risks, or by depositing funds or securities or otherwise, and such way as is provided must be approved by the Commissioner of Insurance; but, other than the deposit for the purpose just mentioned, such corporation shall not, unless it be a foreign corporation, be required to make or maintain for any purpose any deposit of money or bonds or securities with any officer of the State of Alabama.

Section 7. If such corporation be a foreign corporation, it shall before being authorized to do business in this State, in addition to procuring from the Secretary of State a permit admitting it to do business in this State, satisfy the Commissioner of Insurance that it is fully and legally organized under the laws of the State or government to guarantee titles to land, and shall, for the better protection of its guaranty holders and creditors in the State of Alabama, keep at all times the sum of fifty thousand dollars invested in stocks, bonds, notes, liens, mortgages and other securities worth not less than said sum, and subject to the approval of the Commissioner of Insurance, and deposited with a bank or trust company in the State of Alabama, approved by the Commissioner of Insurance, having a capital and surplus of not less than five hundred thousand dollars; and the corporation making such deposit shall be entitled to the income thereof, and may, from time to time, change in whole or in part the securities which compose the deposit, for other competent securities of equal value. And the Commissioner of Insurance must authorize the return to such corporation of the whole or any portion of said securities when he is satisfied that they are subject to no liability, and not required to be longer held by any provision of law, or purpose of the original deposit; provided that if any such foreign corporation re-incorporates under the incorporation laws of the State of Alabama and qualifies under this act as a domestic corporation, said deposit shall be returned to such corporation on its application; provided further, that domestic corporations may, at their election, make for the benefit of their

guaranty holders, a deposit of fifty thousand dollars in the same manner and under the same conditions as required of foreign corporations under this Act.

Section 8. All laws and parts of laws in conflict with this act are hereby repealed.

Section 9. If any section or provision of this act be held unconstitutional it shall not invalidate any other section or provision of this Act.

Approved Sept. 29, 1923.

No. 486.)

AN ACT

(H. 669. St. John.

To amend an Act approved November 30, 1907, and entitled "An Act to provide for the protection of the forests of Alabama: To establish and create a State Commission of Forestry to consist of the Governor, a member of the State Tax Commission, the State Game and Fish Commissioner, the Commissioner of Agriculture and Industries, a member of the United States Forest Service, the professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens and to provide for the appointment of deputy forest wardens by the Governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this Act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this Act into said fund.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act approved November 30, 1907, and entitled "an Act to provide for the protection of the forests of Alabama; to establish and create a state commission of forestry to consist of the governor, a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic Institute and one practical lumberman, to declare the county game and fish wardens, forest wardens: to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio deputy forest wardens and to provide for the appointment of deputy forest wardens by the governor; to exempt from taxation for a period of ten years land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this act; to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund," be and the same is hereby amended so as to read as follows:

"Section 1. That there is hereby created and established a State Commission of Forestry to consist of the Governor, the Commissioner of Conservation, and three practical lumber men, who are owners of timber land and engaged in the manufacture of lumber, and two farmers who are land owners, each of whom shall be a resident of this State, and who shall be appointed by the Governor, and who, and their successors in office during good behavior. On the occurrence of a vacancy among said appointed members of said Commission, or their successors, said vacancy or vacancies shall be filled by the remaining members of said Commission by the election of a practical lumber man, or lumber men, as aforesaid, or a farmer or farmers, as aforesaid, as the case may be, so that said Commission shall always include in its membership three practical lumber men who are owners of timber land and engaged in the manufacture of lumber, and two farmers who are owners of land, residents of Alabama. The members of said Commission shall serve without compensation, except as otherwise provided herein, but shall be paid the actual expenses incurred by them respectively, while engaged in the performance of their duties as members of said Commission, out of the fund herein provided, upon the certificate of the Secretary of the Commission, approved by the Governor.

"Section 2. The Governor shall be ex-officio chairman of said Commission, and the State Forester, hereinafter provided for, shall serve as Secretary of said Commission, and shall be the custodian of the books, records and papers of the said Commission, which he shall keep at some point in Montgomery to be designated by the Commission. The Commission shall meet twice each year at Montgomery, and may meet at such other times and places as may be designated by the Governor.

"Section 3. It shall be the duty of the Commission provided for herein, to inquire into and make an annual report upon the forest conditions in Alabama, with reference to preservation of forests, the effect of the destruction of forests upon the general welfare of the State, and all other matters pertaining to the subject of forestry and tree growth, including recommendations to the public generally as to reforestation, and approved methods of lumbering and turpentineing. This report shall be made to the Governor, and shall be given such distribution as the Commission, in its discretion, may think feasible. It shall further be the duty of said State Commission to report to each regular session of the Legislature the result of its investigations, and to recommend necessary legislation with reference to forestry, if any, and to perform such other duties as may be imposed upon it by law. It shall give such advice, assistance, and co-operation as may be practicable, to private owners when requested, and

promote, so far as it may be able, a proper appreciation in this State, among all classes of the population, of the benefits to be derived from forest culture and preservation. The Commission shall have power to make such measures as may be reasonable and practicable to prevent and suppress forest fires, and may, with the approval of the Governor, apply such parts of the forest reserve funds as may be necessary to such purpose, and to providing for such fire control as it may establish, either independently, or in co-operation with the Federal Government.

"Section 4. The Commission, at its first meeting if practicable, but at all events as soon as possible, shall employ a State Forester, who shall be a technically trained Forester with at least two years experience in technical and administrative work, and shall fix his compensation, subject to the approval of the Governor. Such person shall be charged with the duty of enforcing the provisions of this chapter, and to perform all other duties, including the duty to give instruction on the subject of Forestry at the Alabama Polytechnic Institute, and at the University of Alabama, that may be designated by the said State Forestry Commission, and may be removed by the said Commission, if he is, or becomes, in its opinion, for any cause, unsuitable or incompetent.

"Section 5. The Governor is authorized, upon the recommendation of said Commission, to accept gifts of land to the State, the same to be held and administered by the State Commission of Forestry as State Forests, and to be so used as to demonstrate the practical utility of timber culture. Such gifts must be absolute, except the mineral and mining rights over and under said lands (but no reservation of any timber rights in connection therewith) may be reserved, and except for a stipulation that they be held and administered as State Forests; and the Attorney General is hereby directed to see that all deeds of gift, or other grants to the State, of land mentioned above, are properly executed and convey good title, before the gift is accepted.

"Section 6. That it is the declared policy of this State to encourage reforestation of cut over lands, and timber culture generally, and, to that end, and in consideration of the public benefits arising therefrom, it is hereby enacted that the timber growing on lands which shall hereafter be designated by the State Forestry Commission as Auxiliary State Forests, under the provisions of this Act, shall not be taxable nor assessed for taxation by any authority, from the time that said lands are so designated until they are withdrawn as Auxiliary State Forests, and only the land on which said timber grows may be taxed or assessed for taxation, as if the ownership of the timber growing thereon had been severed from the ownership of the land.

"Section 7. That the Governor be, and he hereby is, authorized, empowered, at his discretion, upon the designation of any lands as Auxiliary State Forests, under the provisions of this Chapter, on behalf of and in the name of the State of Alabama, to enter into a contract, by and with the owner of said land, and the successors and assigns of said owner, the said covenant to run with the land, that in consideration of the devotion of said land to reforestation and of the public benefits arising therefrom, the timber growing on said land shall not be taxable, nor assessed for taxation, directly or indirectly, or by any authority, until said lands are withdrawn as Auxiliary State Forests, and that only the land upon which said timber is grown may be taxed, or assessed for taxation, during said period, and that if said land is taxed or assessed for taxation, it shall be assessed and valued as if the ownership of the timber had been severed from the ownership of the land. It shall be agreed in said contract that the owner of said land will devote the same to forest culture and that no use shall be made of said land that will militate against the growth of the timber thereon; that the owner will use reasonable diligence to protect the same against fire, and that the owner will not withdraw said lands as Auxiliary State Forests for a period of five years after the same are entered as such, and will not cut, turpentine, or otherwise utilize the timber thereon before the withdrawal of the same as Auxiliary State Forests, except in accordance with rules formulated by the said State Forestry Commission, which rules it is hereby authorized and directed to make. But the owner of such lands shall have the right, after the expiration of said five years, to withdraw the same, or any part thereof, as hereinafter provided; and shall have the right to harvest, or otherwise use, parts of said timber without withdrawing the land, under the rules which said Commission is directed to make. In either event, the privilege tax herein provided for shall be paid on the value of the timber withdrawn or harvested at the time of said withdrawal or harvesting. That upon the withdrawal of said lands, or any part of the same, as Auxiliary State Forests, the value of the timber thereon shall be appraised by the State Tax Commission, and the State Forestry Commission, as of the date of the withdrawal of said lands as Auxiliary State Forests, and the owner of the same shall then pay, as a privilege tax for the entry and withdrawal of said lands as Auxiliary State Forests, and in lieu of the annual ad valorem tax not assessed against said timber while entered as Auxiliary State Forests, a sum equal to ten per cent of the value of the timber thereon at the time of its withdrawal, as appraised as herein provided. Said privilege tax shall be paid to the said State Forestry Commission, and it shall cover into the State Treasury fifty per cent

of said amount, and the balance it shall pay over to the Treasurer of the County in which said timber is situated, or, if situated in more than one county such proportion of said part of said tax as the part of said timber lying in each of said counties respectively, bears to the whole amount.

"Section 8. Any owner of lands desiring to devote the same to Forest Culture, and to have the same designated as Auxiliary State Forests, shall file with the State Forestry Commission, an application in writing, which shall be signed by such owner, describing the lands which said owner desired to have designated as Auxiliary State Forests, stating his willingness to enter into the contract above provided for, and such other information as the State Forestry Commission may require, and praying that such lands shall be designated by the said State Forestry Commission as Auxiliary State Forests. Upon the filing of such application the State Forestry Commission shall as soon as practicable, inspect the said land, or cause the same to be inspected by the State Forester, or some other competent and suitable person, and if the said State Forestry Commission shall find said lands to be suited for forest culture, it shall certify that fact, together with a copy of said application to the Governor who shall if he deem it advisable so to do thereupon cause the contract hereinabove provided for, to be drawn by the Attorney General, and, upon the execution of the same, by the owner of the land, the Governor shall execute the same for and on behalf of, and in the name of the State of Alabama. Said contract shall be executed in quadruplicate, one copy shall be filed with the State Forestry Commission, one with the State Tax Commission, or body exercising its jurisdiction and powers, and one of which shall be delivered to the owner of the land, and the fourth shall be filed by the Commission for record in the Probate Office of the county or counties in which said land is situated, at the cost of the owner. The Attorney General shall approve the execution of said contracts. The Governor may, in his discretion, require the applicant to furnish an abstract of title of said lands showing him to be the owner in fee thereof, or other satisfactory proof of title, and all rights of dower, or homestead in said lands, as against the operation of said contract, shall be released before the same is approved.

"Section 9. Any owner of land designated as Auxiliary State Forests may, after the lapse of five years from the designation of the said lands as such, file with the State Forestry Commission, an application in writing to withdraw the same, or any part thereof, and, thereupon the value of the timber on the land desired to be withdrawn shall be appraised, and the privilege tax thereon computed as hereinabove provided for, and

on the payment of said privilege tax the said State Forestry Commission shall make an order withdrawing the same as Auxiliary State Forest, a copy of which order shall be filed with the State Tax Commission, or body exercising its powers, a copy entered in a book to be kept for that purpose by the State Forestry Commission, a copy delivered to the said owner, a copy filed by the Commission at the cost of the owner in the Probate office in the county or counties in which said land is situated. The State shall have a lien upon the timber on land designated as Auxiliary State Forests for the payment of the privilege tax hereinabove provided for, and no other privilege or other tax, except that herein provided for, shall be collected by or for the State or any sub-division thereof.

"Section 10. Any person who shall cut, turpentine, or otherwise injure any timber growing on State Forests or Auxiliary State Forests, except in accordance with rules formulated by the State Forestry Commission, as aforesaid, shall be guilty of a misdemeanor. If any owner shall violate the provisions of his contract, or the successor in title of any such owner, the Governor may, in his discretion, abrogate the same by a written order to be filed with the State Tax Commission, or body exercising its powers, the State Forestry Commission, and the said owner or his successor in title, and upon such abrogation the privilege tax herein provided for shall at once become due and payable, in all respects as if said lands had been legally withdrawn as Auxiliary State Forests.

"Section 11. The State Forestry Commission shall keep a book in which shall be recorded all applications for the designation of lands as Auxiliary State Forests, contracts entered into upon such applications, and withdrawals or forfeitures thereof.

"Section 12. It shall be unlawful for any person or corporation to wilfully, or negligently, set or communicate fire to any timber lands, woods, brush, grass, grain or stubble, on lands not their own, or to set fire to, or procure another to set fire to, any woods, logs, brush, weeds, grass, or clearing, upon their own land, without giving adjacent land owners five days' written notice of their intention to do so, unless they shall have taken all possible care and precaution against the spread of such fire. Any person or corporation who violates any provision of this Act shall be guilty of a misdemeanor.

"Section 13. All occupation, license, or privilege taxes imposed for the State for engaging in any business dealing with timber, or timber products, but not the county's share or part of such taxes shall be separately reported by the officials collecting the same, and when paid into the treasury shall be kept in a separate fund which shall be known as the State Forestry Fund, and which shall be used for no other purpose than for the

administration of this Act, and the payment of the appropriations herein made. That all fines and forfeitures arising under the provisions of this Act shall likewise be paid into said State Forestry Fund. All monies going into said fund are hereby appropriated to said State Forestry Commission for the purpose of administering this Act. All necessary expenses of the Commission shall be paid out of said fund on the requisition of the Secretary of the Commission with the approval of the Governor. At the end of each annual period, after the organization of the said State Forestry Commission, the Governor may require all, or any part of, the surplus of the fund then existing, to be covered in the General Fund.

"Section 14. That all sheriffs, deputy sheriffs, constables, marshals, farm demonstrators, and such other persons as may be willing to serve without compensation, and who may be appointed by the Governor, are hereby declared to be deputy Forest Wardens, and it shall be their duty to report to the said State Forestry Commission, and to the State Forester, and to the solicitor of the County or Circuit in which the same occurs, any violations of any provision of this Chapter.

"Section 15. The said State Commission of Forestry, shall have power, with approval of the Governor, to employ such clerical assistants as may be necessary, and fix their compensation.

"Section 16. The State Forester shall be provided with an office at a point in Montgomery to be fixed by the Commission, and the furnishings of said office shall be paid for upon the requisition of the Secretary of the Commission with the approval of the Governor.

"Section 17. There is hereby appropriated out of any general funds in the Treasury, not otherwise appropriated, the sum of one thousand dollars, to pay the initial expenses of the organization of said Commission, or so much thereof as is necessary for such purpose, to be paid on the requisition of the Secretary of the said Commission with the approval of the Governor. Said sum shall be returned to the General Fund out of the first available funds of the State Forestry Fund.

"Section 18. All laws and parts of laws in conflict with the provisions of this Chapter are hereby repealed.

"Section 19. "If any section or part of this Act be declared unconstitutional, the remainder of said Act shall not thereby be affected but shall remain in full force or effect."

Approved Sept. 28, 1923.

No. 487.)

(H. 760. Goodwyn.

AN ACT

To appropriate the necessary sum for payment of amounts due by the State to any county for preparing and serving food for prisoners in their respective county jails from January 1st, 1921 to June 30, 1923, and which are unpaid.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Six Thousand Six Hundred Dollars, or so much thereof as may be necessary, for the payment of the amounts due by the State to the proper governing authority of any county for preparing and serving food for the prisoners in their respective jails from January 1st, 1921 to June 30, 1923, and which are unpaid.

Section 2. That after the passage of this act, in any county where the sheriff is serving upon a salary, the amount for preparing and serving food for prisoners confined in the county jails shall be paid to the proper county governing authority in like manner as it is paid to the sheriff.

Section 3. That upon the passage and approval of this Act the Auditor be and he is hereby directed to draw his warrant upon the State Treasurer for the unpaid amount due any county as herein provided.

Approved Oct. 6, 1923.

No. 489.)

(H. 566. Mrs. Wilkins.

AN ACT

To make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

Be it enacted by the Legislature of Alabama:

Section 1. That Two Hundred Twenty-One Thousand Five Hundred (\$221,500) Dollars now provided by law for the erection, repair and equipment of school buildings is hereby appropriated annually out of any monies in the State Treasury not otherwise appropriated (the sum of \$3305.96 to each county for the erection, repair and equipment of school buildings), provided that out of the above total appropriation the State Board of Education shall on the first day of October of each year, or as soon thereafter as practical, set aside such an amount as may be deemed necessary to procure proper supervision and expert assistants in the drafting of plans and making specifications, in the preparation of estimates and bills of materials, in the

inspection of buildings and for such other expenses incident thereto as are deemed necessary, and the remainder shall be apportioned equally among the several counties of the State.

Section 2. That on September first of each year, all counties which have not exhausted their appropriations shall contribute out of their unexpended balance amounts sufficient to cover the applications on file from those counties which have exhausted their appropriations, each county which has an unexpended balance contributing from such balance to the total amount of excess applications in the same proportion that the total of the excess applications bears to the total of unexpended balances. If there are sufficient funds to pay all excess applications it shall be done, otherwise the funds available shall be prorated among the counties having excess applications on file.

Section 3. That on the first day of October, 1923 and annually thereafter, the total of any unexpended balances remaining to the credit of the counties, together with any unexpended balance of the amount set aside as provided in Section 1, shall together with the annual appropriation provided for in this Act, be apportioned equally among all the counties of the State, and such apportionments shall be certified to the State Auditor.

Section 4. That all funds appropriated under this Act shall be drawn and disbursed as provided by law.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved Sept. 28, 1923.

No. 490.)

(H. 898. Smith of
Jefferson.

AN ACT

To authorize and empower the directors of the Alabama Boys Industrial School to sell and convey land belonging to said school.

Be it enacted by the Legislature of Alabama:

That the president of the board of directors or other governing body of the Alabama Boys Industrial School, located at or near Birmingham, Alabama, is hereby authorized and empowered to sell, and convey land belonging to said school, and not necessary for its use which said sale shall be first approved by the directors or other governing body of said school, and also by the then Governor of the State of Alabama.

Approved Oct. 1, 1923.

No. 491.)

(H. 1014. Jeter.

AN ACT

"To Amend and Re-Enact an Act Entitled 'An Act To Provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers,' approved February 10, 1923.

Be it enacted by the Legislature of Alabama,

That an Act Entitled An Act To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority, and powers,' approved February 10, 1923, be amended and re-enacted so as to read as follows: That in all cities of the State of Alabama having one hundred thousand or more population according to the last Federal census, or which shall have such population according to any such census that may hereafter be taken, what is known as the Police Department and what is known as the Fire Department, and all officers and members of said departments, including the chiefs of said departments, must, and shall, be under and governed by Civil Service regulations under directions and supervision of a Board as hereinafter provided, and all persons who may hereafter be elected or appointed as officers or members of such departments, or either of them, or who may be hereafter employed in either of said departments as members of such, shall thereafter remain and continue in their respective employments as such municipal officers and employes of said cities during good behavior, efficiency and obedience to such reasonable rules and regulations as may be from time to time prescribed by the Civil Service Board which is herein provided for, and as is hereafter provided. Nothing herein contained shall be construed to prevent or preclude the removal of any officer or member of either of said departments by the Civil Service Board for cause in the manner hereinafter prescribed. With reference to members of Police Department. Patrolman: The word "patrolman" as used herein shall mean and apply to all motorcycle officers, drivers of automobiles used by the Police Department, and all other members of the Police Department below the grade of sergeant, but shall not include detectives. Officer: The word "officer" as used herein shall mean and apply to all members of the Police Department of the grade of sergeant, detective, captain, assistant chief of police, and the chief of police. Members of the Police Department: The

words "members of the police department" shall mean and include all officers, patrolmen, and detectives, and wardens, if detailed to warden's duty from the ranks of patrolmen or officers. With reference to Members of Fire Department: Members of the Fire Department: The words "members of the Fire Department" or "members of the Fire Departments," as written herein, shall mean and include the chief or chiefs of the Fire Departments, Assistant Chiefs of the Fire Department, Battalion Chiefs, Captains, Lieutenants, Engineers, Assistant Engineers and Firemen, and all other men who are regularly assigned to and regularly carried on the pay roll of such Fire Departments, except hostlers and helpers; and, in addition to those specifically named hereinbefore as members of said departments, such others as such Boards may find and designate to properly be such members, respectively.

Section 1. The President and Board of Commissioners or other governing body of all cities in the State of Alabama coming within the provisions of this Act, shall, within fifteen days after its enactment into law, appoint five persons, who shall constitute and be known as the Civil Service Board of such city, one to serve for one year, one for two years, one for three years, one for four years, and one for five years from time of appointment and until their respective successors are appointed and qualified; and in every year thereafter the governing body of such city shall in a like manner appoint one person as the successor to the member of the Board whose term shall expire that year, such member to serve for a term of five years. Appointments to fill vacancies shall be for the unexpired term. Any member of the Board whose term shall expire shall be eligible to reappointment. Three members of the Board shall constitute a quorum. The personnel of the Civil Service Board, to be appointed as herein stated, shall consist as near as practicable, in order to make it entirely representative, of one lawyer, one physician, or surgeon, one school teacher or principal of a school, one man known as a business man, and one who is known as a laboring man or person or a member of organized labor.

Section 2. The Board of Commissioners or other governing body of such cities may remove any member of the Civil Service Board for incompetency, neglect of duty or malfeasance in office, but only after charges in writing have been preferred, five days' notice given to the member affected, and a public trial to be had; but there shall be no appeal from the decision of such governing body.

Section 3. The Civil Service Board shall make rules to carry out the purpose of this article, and for examinations, appointments and removals in accordance with its provisions, and

the Board may from time to time make changes in the existing rules.

Section 4. All applicants for a place or position on the police force or fire department, as the case may be, shall file their application in writing with the Civil Service Board, said applications to be on the blank forms furnished by the Board, and all applicants must be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire. All members of the Police Departments of such cities, and all members of the Fire Departments of such cities who have not been such member for twelve months or more prior to the day of the approval of this Act shall be considered applicants and be required to stand examination as applicants, as is provided for in this section. Said Board shall have authority to change, add to, alter, or rearrange positions, places and offices in said departments whenever it shall deem same necessary.

Section 5. The Board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every applicant for examination shall pay to the City Comptroller, or other city official performing the duties of treasurer, the sum of one dollar and fifty cents, and the receipt therefor shall be attached to his application.

Section 6. In all of said cities coming under the provisions of this Act, no member of the Fire Department below the rank of Chief of Fire Department shall be required to work more than one hundred and sixty-eight hours in any two weeks, except in cases of urgent emergency. The Civil Service Board shall, when necessary, order such readjustments in said Fire Department as is necessary to carry out the provisions of this section.

Section 7. The Chief of Police, as far as such police departments be concerned, and the Chief of the Fire Department, so far as such fire department be concerned, shall notify the Civil Service Board of vacancies in the ranks of patrolmen or firemen, respectively, and the Board shall furnish the respective Chiefs with the name and address, or names and addresses, of the candidate or candidates standing highest on the eligible list, and same shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from date of appointment. Before the expiration of the period of probation, the chiefs of the fire and police departments, respectively, may, by and with the consent of the Board, discharge any probationer in his respective depart-

•

ment upon assigning in writing his reasons therefor to the Board. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete.

Section 8. As soon after its organization as is practicable, the Civil Service Board shall designate nine members of the Police Department and nine members of said Fire Department to constitute a promotion and demotion committee of each said department. As to the Police Department, said committee shall consist of the Chief of Police, two Captains, and two members of the Detective Department, two Sergeants and two Patrolmen. As to the Fire Departments, said committee shall consist of the Chief, one Assistant Chief, two Captains, two Lieutenants, one engineer, and two firemen of said Fire Departments. The promotion and demotion committee, in event of a vacancy or vacancies in the grade of Sergeant, Detective, Captain or Assistant Chief of Police, or Chief of Police, shall, from the membership of the Police Department, promote a person or persons, as the occasion may call for, to said vacancy or vacancies. No one shall be eligible to appointment as a detective or plain clothes officer unless he shall have served more than six months immediately prior to his appointment as a uniform patrolman. And as to appointments in said Fire Departments, no one shall be eligible to appointment for the position of Lieutenant or higher grade officer unless he shall first have been a member of such Fire Department for a period of not less than two years from date of such promotion. The promotion and demotion committees of such Police and Fire Departments, in the event of a vacancy or vacancies, as herein provided for, shall, from the membership of such Police and Fire Departments, respectively, promote a person or persons, as the occasion may call for, to such vacancy or vacancies, those promotions to be forthwith reported to the Civil Service Board and be subject to its approval. In the event of its disapproval of any promotion made by any of such committees, the said Board will forthwith, in writing, notify said respective committees of its veto and disapproval of such promotion or promotions; whereupon said committee will select for promotion and name another member or members of such Force or Department, as the case may be, to fill such vacancy or vacancies, the second decision of such committee, after veto or approval of promotion as first made, shall be final, and shall be reported to the Civil Service Board who shall not be empowered to disapprove said second selection, but must approve same. Any officer of the Police or of the Fire Departments affected by this Act may be demoted under the following conditions, except as herein otherwise provided: Upon complaint in writing being made by the chief of the department of which he is a member, or by any three members of the promo-

tion and demotion committees of the department of which he is a member, for inefficiency or unfitness in any respect, the officer complained of shall be notified to appear before the committee of promotion and demotion which is organized for his respective department, where he shall be fully heard in a public meeting before said committee; and upon said hearing the said Board is empowered to dismiss the complaint or charges or to demote said officer of the Police or Fire Departments, according to the evidence and matters presented on the hearing which may warrant or justify it. However, no trial shall be had before such promotion and demotion committee upon any case where the Civil Service Board has heard the charges and recommended the motion of any said member of either of the departments. No officer of said Police or Fire Departments shall be demoted by the vote of less than six of the said promotion and demotion committee unless so ordered by the Civil Service Board, when no trial before such committee will be had. The decision of the said committee as to demotion shall be final, unless an appeal be taken within three days thereafter by said demoted officer to the Civil Service Board where the charges or complaint shall be heard de novo. The promotion and demotion committee named by the Civil Service Board shall be appointed by said last named Board and hold until January 1, 1924, and thereafter shall be appointed annually to hold until the first of January of each succeeding year. The Civil Service Board are authorized and empowered to fill all vacancies on said committee of promotion and demotion.

Section 9. The Civil Service Board may, in an emergency, or in cases where it deems proper, authorize the Chief of Police to appoint for temporary service such number of police officers as in their opinion the existing conditions demand. All officers so appointed shall be furnished with badges, said badge to be different in size and design from the regulation badges used by the regular members of the police and detective force, and must have the words "Special Officer" across the face of them in large letters. The Chief of Police shall furnish the Board with the names and addresses of all persons to whom he has issued special badges, and at the expiration of their appointment shall cause all such badges to be taken up. From and after the approval of this Act by the Governor, all outstanding commissions conferring police authority issued to persons other than those who are members of the Police Department of such cities shall become canceled and void; and thereafter it shall be unlawful for any person to have in his possession any such commission or any badge of a police officer of such cities unless same has been issued to him by the Civil Service Board respectively affected thereby, and after such person has made bond with good and sufficient sureties to be approved by said Board, said bond to be

in the sum of two thousand dollars, and made payable to the city wherein said commission has been issued. The legal effect of such bonds shall be as is provided for under Section 1500 of the Code of Alabama of 1907, and said bonds shall be conditioned as is provided for under Section 1501 of said Code.

Section 10. It shall be a violation of the provisions of this Act for any official, officer or other person to issue, give or lend one of the regulation police or detective badges to any person other than a regularly employed police officer or detective of the city.

Section 11. No member of either the fire or police departments of the cities affected shall be removed or discharged except for cause, upon written charges or complaint, and after an opportunity to face his accusers and be heard in his own defense. Such charges shall be investigated by and before the Civil Service Board after not less than five days' notice to the person charged shall have been given in writing of the charges, and the hearings thereof and thereon shall be public. The decision of the Board thereon shall be given in writing to the accused, and shall be spread on the minutes. The City Attorney may represent the accused in the hearing before the Civil Service Board, but same shall not be necessary; and the City Attorney nor his assistant shall appear as prosecutor. Any attorney secured by the person or persons making the charge or accusation shall be allowed to represent the prosecution, and any attorney selected by the accused shall be allowed to represent the accused. Any person may be served with a subpoena to appear and testify, or to produce books and papers relevant to such investigation before the Civil Service Board, such subpoena to be issued as subpoenas are now issued and provided for in the Circuit Courts of this State; and anyone who shall refuse or neglect to appear and testify, or produce such books and papers relevant to such investigation, as commanded in such subpoena, shall be guilty of a misdemeanor, and punished as misdemeanors are punished under the laws of the State of Alabama. The fees of witnesses for attendance and travel shall be the same as fees for witnesses before the Circuit Courts of this State, and shall be paid from the treasury of the city affected. Any punishment because of the violation of this section or this Act shall before a competent Circuit Court of this State, or other competent Court, and trial thereof before punishment shall be before such court or courts.

Section 12. In the course of an investigation by the Board, any member thereof shall have the power to administer oaths, and shall have the power to secure by subpoena both the attendance and testimony of witnesses, and the production of all

books and papers relevant to such investigation as is herein provided.

Section 13. The respective Boards shall have access to all files, records and data concerning the police and fire departments in their respective cities, and on request to either the chief of police or the fire department, must be furnished with any officer or fireman the Board may suggest for the purpose of making any investigation concerning the operation of the said forces or the conduct of any member of either of said departments.

Section 14. The Civil Service Board shall meet the first and third Monday of each month for the transaction of business, and same may meet at such other times as may be necessary. Such places of meeting shall be at, or in close proximity to, the City Hall.

Section 15. The Civil Service Board shall keep minutes of their meetings and records of all business transacted by them at each and every meeting. All such minutes and records shall be open for inspection at all times by the chief of police, the chief of the fire department, and any member of the City Commission or other governing body of such city in which same may exist.

Section 16. The Board shall, on or before the 15th day of September of each year, make to the City Commissioners or other governing body of such city a report showing its own actions, the rules in force, the practical effects thereof, and any suggestion it may approve for the effectual accomplishments of the purposes of this Act.

Section 17. The compensation of the Civil Service Board shall be ten dollars for each member for each meeting attended, not to exceed for each member six hundred dollars per annum. The President and Board of City Commissioners, or other governing body of such city, shall provide for the salaries and expenses of the Civil Service Board, and shall provide in the annual budget of all cities coming within the provisions of this Act an estimated appropriations sufficient to cover the salaries and expenses of such Board.

Section 18. No officer or employee of any police or fire department shall solicit orally, or by letter or otherwise, or receive, or be in any manner concerned in soliciting or receiving any assessment or subscription or contribution for any candidate, political party or political purpose whatsoever.

Section 19. No officer or other member of the police or fire department, or other person, shall in any wise undertake or threaten to degrade, discharge or promote, or in any manner change the official rank or pay of any officer or employee, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money or any valuable

thing for any party or for any political purpose whatsoever. No employee of the police or fire department shall receive any promotion as a reward for his support of any candidate or political party. No employee of either department shall be reduced in rank or pay as a punishment for his failure to support any candidate for political office.

Section 20. No recommendation by any officer or official, whether said officer or official be a city, county, state or national officer or official, shall be considered by any person concerned in any examination or appointment under this Act, except as to the general moral character of the applicant.

Section 21. No person holding any office in the government of the city, or any nomination for, or while seeking a nomination for, or appointment to, such office, shall corruptly use, or promise to use, either directly or indirectly, any official authority or influence, whether then possessed or anticipated, in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation or promotion or increase of salary, upon the consideration or condition that the vote or influence or action of the last named person shall be given or used in the behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

Section 22. Any person in the service of the city by appointment under Civil Service rules who shall wilfully, or through culpable negligence, violate any of the provisions of this Act, and who shall be found guilty after a trial before the Civil Service Board shall be dismissed from the service of the city, and shall not be subject to re-appointment.

Section 23. Any officer or employe of the city other than those holding office under the Civil Service rules, who shall wilfully, or through culpable negligence, violate any of the provisions of this Act, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty dollars, nor more than five hundred dollars, unless same be otherwise provided therein, and the office so held by such person, by force of such conviction, shall be rendered vacant, and such person shall not again be allowed to hold any office or place of employment under the city thereafter. Any other person who shall wilfully, or through culpable negligence violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars and not exceeding five hundred dollars.

Section 24. Every member of the police and of the fire departments in all cities coming within the provisions of this Act, who has been such member for a period of twelve months or more immediately prior to the day upon which this Act is

approved by the Governor, shall retain his position without examination, and be subject to all the conditions and benefits of this Civil Service Law.

Section 25. No person shall be eligible to take the Civil Service examination for a position as a member of either the police or fire department in cities coming within this Act who is not a citizen of the United States, a qualified voter of the city wherein he makes such application under the provisions of this law, or who has ever been convicted of a felony, and who does not possess a good moral character.

Section 26. The Civil Service Board shall, within ninety days from their appointment, draw and have printed such rules and regulations for the government of the said departments, in accordance with the provisions of this Act, as may seem necessary. The Board shall have the power and authority to fix the maximum and minimum age limits of applicants for examinations, and may specify the weight, height, etc., required of all applicants.

Section 27. The violation of any of the provisions of this Act by any person or persons is hereby declared to be a commission by such person or persons of a misdemeanor; and, unless otherwise provided herein, any person who commits such misdemeanor must, on conviction, be fined not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county wherein such misdemeanor is committed for not more than six months at the discretion of the Court.

Section 28. Each section of this Act, and every part of each section, are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause, shall not affect the other sections or part thereof.

Section 29. That this Act shall take effect from and after its approval by the Governor, or upon its otherwise becoming a law under Section 125 of the Constitution.

Section 30. This Act to be in amendment of Act of February 10, 1923. All actions and things done under said Act of February 10, 1923, to stand and be in force and effect.

Section 31. All laws or parts of laws inconsistent herewith are hereby repealed, and this Act shall take effect upon its approval by the Governor or otherwise as herein stated.

Approved Oct. 1, 1923.

No. 492.)

AN ACT

(H. 524. Kilborn.

To amend Sections 2692, 2697, 2698, 2699 and 2700 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:—

That Sections 2692, 2697, 2698, 2699 and 2700 of the Code of 1907 be amended so as to read as follows:

2692. Settlement after representatives death, removal or resignation. When as executor or administrator dies, resigns, or is removed, or his letters are revoked, or his authority ceases from any cause, he must, within one month after his authority ceases, or, in case of his death, his personal representative must, or, in case of his removal from the state, his sureties must, within six months after the grant of letters, file his accounts, vouchers and statement of heirs and legatees for and must make final settlement of the administration of, such executor or administrator; of which settlement notice must be given in the same manner, and such settlement must be conducted and governed, except as herein otherwise provided, by the same rules and provisions of law as other final settlements by executors or administrators.

2697. Settlement against outgoing or deceased representative compelled, or account stated.—If such outgoing executor or administrator, or, if dead, his personal representative, or, in case of his removal from the state, his sureties, fails to make settlement within the time required by this article, the court may, of its own motion, or on the application of any party in interest, compel him, or his sureties, to do so by attachment, or may state the account against him, or his sureties, from the materials on file, or such other information as may be accessible to the court, charging him, or his personal representative, or his sureties, with such assets as may have come to the hands of such executor or administrator.

2698. When account examined, audited and re-stated; notice and citation.—After stating such account, the court must issue citation to such executor or administrator, or, if dead, to his personal representative, or, in case of his removal from the state, to his sureties, to appear on a day therein named and file his account and vouchers for settlement, or that the account so stated will be passed, which must be served on him, or, if dead, on his personal representative, or, in case of his removal from the state, his sureties, at least ten days before the day named therein; and must, also, give notice of such settlement by publication, as in case of final settlements voluntarily made by executors or administrators; and, if, on the day named, such executor or administrator, or, if dead, his personal representative, or, in case of his removal from the state, his sureties, fails to appear and file his accounts and vouchers for settlement, as required by law, the court must proceed to examine the account, audit and, if necessary, re-state the same.

2699. Proceedings on final settlement of such account.—On the day appointed for auditing such account any person may

attend, on the part of such executor or administrator, or, if dead, of his personal representative, or, in case of his removal from the state, his sureties, and show that he is entitled to additional credits; and any person interested may attend and contest any item of such account, or in any previous account; or may show assets not accounted for; or that such executor or administrator has failed to collect any assets from want of due diligence; or that, by any abuse of, or failure to discharge his trust, such assets, or any portion thereof, have been injured, destroyed, or depreciated; and in case of such proof, the executor, or administrator, or, if dead, his personal representative, or, in case of his removal from the State, his sureties, must be charged therewith. On such settlements, decrees must be rendered as upon like settlements voluntarily made.

2700. Decree set aside on filing account before settlement. If, however, such executor or administrator, or, if dead, his personal representative, or, in event of his removal from the state, his sureties, appear and file his accounts and vouchers for settlement, and pays such costs as have accrued upon the proceedings had under the three preceding sections, the court may set aside such decree, and proceed as if none had been rendered. This Act shall apply to all estates administration of which is pending at the time of its passage, but shall not be construed so as to conflict with or violate section 95 of the Constitution.

Approved October 1, 1923.

No. 493.)

AN ACT

(H. 831. Holcombe.

To amend Section 1 of An Act entitled An Act to provide for the appointment of deputy registers and deputy clerks for Circuit Courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1, 1920.

Be it enacted by the Legislature of Alabama, That Section 1 of An Act, approved October 1, 1920, entitled an Act "To Provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies," be amended so as to read as follows, to-wit;

Section 1. That in all judicial circuits in this State having more than two and less than five circuit judges, the register and the clerk of the Circuit Court shall each, subject to removal at his will, appoint a deputy for said Court; the deputy register and deputy clerk shall each be paid a salary of Two Hundred Dollars per month, payable monthly, out of the treasury of the

County composing such circuit. Said deputy register and deputy clerk shall respectively possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such register and clerk by whom said deputies are respectively appointed.

Section 2. This act shall take effect upon its approval by the Governor and all laws in conflict herewith are hereby repealed.

Approved Sept. 29, 1923.

No. 494.)

(H. 343. Walton.

AN ACT

To regulate the sales of real property under powers contained in mortgages or deeds of trust; providing a place for such sales; and further providing that any sale made contrary to the provisions of this Act shall be null and void.

Be it enacted by the Legislature of Alabama:

Section 1. That after the passage of this Act all sales of real estate, under powers of sale contained in mortgages and deeds of trust shall be held in the County where all or part of said real estate is situated. And notice of said sale shall be given, in the manner provided in such mortgage or deed of trust, in the County where the mortgagor resides and the land, or a part thereof is located. Provided, however, if said mortgagor does not reside in the County where the land or any part thereof is located, then such notice must be published in the County where said land, or any material part thereof, is located.

Section 2. That all sales of real estate, made under powers contained in mortgages or deeds of trust contrary to the provisions of this Act, shall be null and void, notwithstanding any agreement or stipulation, to the contrary.

Section 3. That the provisions of this Act, shall not apply to mortgages or deeds of trust executed before the passage hereof.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Approved Sept. 29, 1923.

No. 495.)

(H. 241. Verner.

AN ACT

To amend Section 3467 of the Code of Alabama.

Be it enacted by the Legislature of Alabama that Section 3467, of the Code be and the same is hereby amended so as to read as follows:

3467. All subscriptions to or for the capital stock of the cor-

poration must be payable in money, but may, except as otherwise provided in this article, be discharged by the rendition of stipulated necessary services or the performance of stipulated necessary labor, or the transfer of property, at the reasonable value thereof, but in such cases the subscription list shall state the names of the subscribers who are privileged to discharge their subscriptions in services or labor or property, and the nature and character of the service of labor in which the same are rendered or performed, and the character and a brief description of such property, and when it is to be transferred to the company. Provided, however, that the directors of any corporation, when authorized to do so at any regular or called meeting of the stockholders, may issue additional stock or increase its capital stock, pursuant to law, in the nature of stock dividends and pay for such stock in whole or in part out of its surplus or accumulated profits.

Approved Sept. 29, 1923.

No. 496.)

(H. 482. Verner.

AN ACT

To amend Section 5222 of the Code.

Be it enacted by the Legislature of Alabama:

That Section 5222 of the Code be amended so as to read as follows: 5222. Sale For Distribution.—Any property, real or personal, held by the joint owners or tenants in common, on the written application of any one or more of them, may be decreed to be sold by the Probate Court of the County in which such property is situated, or, in case of land lying in different counties, of either of such counties, whether such lands are adjacent or contiguous, when the same cannot be equitably divided or partitioned among them, not with standing they, or any or them, are infants or persons of unsound mind: and the application may be made by the executor or administrator of a deceased person in interest, or by the guardian of a minor or person of unsound mind. Such lands shall be sold in the county where the decree is rendered, unless otherwise directed by order of the court, upon rendition of the final decree ordering such sale. The decree of sale and the decree confirming the sale shall be recorded in all counties where any of the land is situate. And a certified copy of such record of these decrees shall be admissible in and prima facie evidence of their contents in all the courts of this state.

Approved Sept. 29, 1923.

No. 497.)

(H. 374. Byars-

AN ACT

To provide the manner of disbursement of funds derivable from sales and collections by the United States of properties and rentals in connection with the Alabama National Forest located in Lawrence, Winston and Franklin Counties, Alabama; to direct the disposition of said funds by and within the several counties.

Be it enacted by the Legislature of Alabama:

Section 1. Whereas the United States of America has established a National Forest in Lawrence, Winston and Franklin Counties, Alabama, and has heretofore paid to the Governor of Alabama certain monies which are to be used according to the laws of congress which direct that said monies shall be paid out upon and in the cause of building roads and education within the several counties in which the Alabama National Forest is located. The Governor of Alabama is hereby directed to order such a warrant on the State Treasury or other official who holds the money heretofore paid to the end that the money heretofore paid shall be paid to the Counties of Lawrence, Winston and Franklin. The money heretofore paid by the United States to the Governor or other official of Alabama or to the State of Alabama, shall be paid to the counties herein named in the following proportion: The Governor of Alabama shall ascertain from the Forest Supervisor of the Alabama National Forest, who is situated at Moulton, Alabama, the amount of acreage owned by the United States of America in each of the above counties named, and shall ascertain the proportion by acreage of the amount of forest owned by the United States in each respective counties, and the funds herein to be distributed shall be distributed to each county according to their proportion of forest within each respective county.

Section 2. Such department of the State of Alabama as now holds, and as will hereafter hold, the funds derived from the United States accruing from sales and rentals of parts of the Alabama National Forest is empowered to do any and all acts necessary to transfer any fund from any department of the United States to each of the several counties. Upon receipt of any funds by each of the counties each county shall pay the sum to the Board of Education of said County until they have paid the Board of Education of each county \$500.00; and all funds thus received by the Board of Education shall be used by the Board of Education in the cause of education as said board sees fit.

Section 3. The counties of Lawrence and Winston shall use the second allotment up to the amount of \$500.00, paid to these two last named counties, upon the roads leading from the respective county seats, in the repair of said roads, which roads

go directly to the Alabama National Forest from each of the said County Seats.

Section 4. The County of Franklin is hereby directed to use the said funds paid to it from this source of revenue as the Board of Revenue may direct or as the body presiding over the affairs of Franklin County shall see fit. Until the road from Double Springs through the Alabama National Forest to Moulton is taken over by the State of Alabama or the Federal Government or both, the funds derived from each of the Counties, Lawrence and Winston, shall be used in the following manner: The first \$500.00 received hereunder shall be used in the cause of education, and the second \$500.00 thus received shall be used as above directed, and each of the following allotments of \$500.00 thus received shall be disbursed by each of the said counties alternately in the cause of education and upon the roads named above or such other roads as may be designated by the Board of Revenue of each of said counties. In the event that the money heretofore paid has heretofore found its way into the State Treasury and cannot be at present parcelled out and located, the Auditor of the State of Alabama is hereby required to draw a warrant on the State Treasurer or the State of Alabama in favor of each of the said counties above named for the proportionate amounts due to each of the said counties as directed by this Act, payable out of any money in the State Treasury, not otherwise now appropriated.

Approved Sept 29, 1923.

No. 498.)

AN ACT

(H. 395. Goodwyn.

To authorize the Attorney General of Alabama to carry into effect the provisions of an Act entitled an Act donating a section of land to Emma Johnson, a widow, formerly Emma Sansom, in consideration of public service. Approved February 10, 1899.

Section 1: Whereas, by Act approved February 10, 1899, granting a section of land to Emma Johnson, a widow, formerly Emma Sansom, to be selected by her in subdivisions or otherwise, and

Whereas, said Emma Johnson, a widow, formerly Emma Sansom, died before selecting said land and before procuring a patent thereto as provided in said Act, Now Therefore,

Be it enacted by the Legislature of Alabama that the Attorney General of Alabama be authorized and empowered to select a section of unappropriated public land of Alabama in subdivisions or otherwise, for the use and benefit of heirs of the said Emma Johnson, a widow, formerly Emma Sansom, in lieu of the said section granted by Act approved February 10th, 1899.

2: Be it further enacted that when the said section is selected as provided in Section 1, that patent thereto shall be issued to the lawful heirs of the said Emma Johnson, a widow, formerly Emma Sansom, when the Attorney-General has been furnished with the names of said heirs with evidence sufficient to satisfy him that they are the real and only heirs.

Approved Sept. 29, 1923.

No. 499.)

(H. 724. Holcombe.

AN ACT

"To provide for the issuance of subpoenas and attendance of witnesses in criminal cases, from time to time, and as often as any case is set for trial, in all judicial circuits in the State having more than two and less than five circuit judges."

Be it enacted by the Legislature of Alabama:

Section 1.—That in all Judicial Circuits in this State having more than two and less than five Circuit Judges, it is the duty of the Clerk of such Circuit Courts, from time to time, and as often as any criminal case is set for trial, to subpoena witnesses to appear on the day fixed for such trial, and such witnesses shall be required to attend on said day, and from day to day thereafter, until said case is disposed of, continued, or passed to a later day.

Section 2.—Be it further enacted that all laws in conflict with the provision of this Act, be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 501.)

(H. 800. Kilborn.

AN ACT

To amend an Act, approved October 1st, 1920, entitled 'An Act to amend Section 9 of an Act entitled an Act 'to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties, and provide for special reporters in certain cases; approved September 25, 1915.'"

Be it enacted by the Legislature of Alabama:

Section 1. That an Act approved October 1st, 1920, entitled "An Act to amend Section 9 of an Act entitled an act to provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties and provide for special reporters in certain cases, approved September 25, 1915" be amended so as to read as follows: "Provided this act shall not affect any Circuit in the State of Alabama having more than three Circuit Judges." 9. In circuits having three circuit judges, each judge shall appoint one competent court reporter, each of such court reporters shall

receive a salary of \$200.00 per month, to be paid by the County, as provided for in this Act as to other counties, and each and every provision of this Act not in conflict with this section shall apply to such reporters. The transcript fees to which said reporters would be entitled shall be charged by the clerk or register of the Court and shall be collected by him, and to the extent of not exceeding \$50.00 per calendar month, shall be immediately paid to the reporter preparing such transcript, and if the Clerk or Register, during any one calendar month, shall collect for any such reporter transcript fees in excess of \$50.00, he shall pay the excess to the County Treasurer or County Depository of the County or Counties composing such circuit, and such excess shall be placed by such Treasurer or depository in the general fund of such County.

Section 2. This Act shall take effect upon its approval by the Governor and all laws in conflict herewith are hereby repealed.

Approved Sept. 29, 1923.

No. 502.)

AN ACT

(H. 891. Jeter.

To amend and re-enact an Act entitled an Act to create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrant against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years of service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to.

such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed. Approved Feb. 16th, 1923.

Be it enacted by the Legislature of Alabama, That an Act Entitled an Act: To create in all Cities of the State of Alabama which have a population of as much as one hundred thousand and people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police department of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for the allowance or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the County in which the City is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all Laws and parts of Laws in conflict with the provisions of the Act be repealed.—Approved Feb. 16,

1923, be amended and re-enacted so as to read as follows:

Section 1. That in all cities of the State of Alabama which have a population of as much as one hundred thousand people, according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, there is hereby provided for or created in connection with the regularly organized and paid police departments of such cities special funds to be known as the policemen's relief funds, which shall exist and be maintained for the benefit of the persons hereinafter named and shall be derived and raised in the manner hereinafter provided.

Section 2. Said funds shall be set apart by the comptrollers or other persons performing the duties of treasurers, of said cities, into a separate fund which shall be held and maintained by the city as is hereinafter provided.

Section 3. This Act shall and does create a relief system which applies to the members of the police departments of such cities, all as is herein set forth; and said policemen's relief funds as provided for and created herein shall be received, obtained and created in each respective such city,—first, by setting apart and paying into such funds out of the treasury of the respective cities affected hereby, same to be held by the governing body of every such city as the other city funds are held and controlled, except as herein otherwise provided, and amounts equal to 5% of the gross amount so received shall monthly be set apart into said funds, same to be in effect and continue to operate in all such cities in which such funds have been established, commenced, created or begun to be created under and by virtue of the Act of the Legislature hereby amended and reenacted, and as to all other such cities such relief system and setting apart and paying into such funds shall commence to operate upon the approval of this Act by the Governor. Second, by the payment into such funds by the proper authority of such cities, respectively, as may be affected by this Act, monthly, an amount equal to one per centum of the monthly salary of every member of the police department in such city, which one per centum shall be withheld and deducted by the proper authority from the monthly salaries of said members of such department. And shall such fund at any time be insufficient to pay and defray the expenses as provided in this Act, such cities as are thereby affected, respectively, shall appropriate from any funds not otherwise appropriated a sufficient amount to make up such deficit and shall in its budget subsequent thereto provide for a sufficient amount to make up any anticipated deficit in said funds.

Section 4. In every such city an amount equal to five per centum of the gross receipts from all fines and monies paid into

the city treasury as a result of convictions or prosecutions for violations of the criminal laws or ordinances shall be paid into such separate fund. And each and every such payment of fines and monies is hereby charged with this amount and appropriation of 5%—same to commence or be in effect and continue as herein before provided. In addition, there shall by the comptroller or other person performing the duty of treasurer be deducted one per centum from the monthly salary of each member of such police department, which shall also be paid into such separate fund.

Section 5. That as to such fund so created, after same has come into being and is established, the respective governing body of said cities shall direct its placement with banks so that same may draw interest upon any part not used. Said governing bodies, respectively, are authorized to lend such part of same as is not necessarily in use on good liquid security or to purchase securities which are liquid and easily convertible into cash without delay; and all securities and funds and monies so created shall be maintained and kept separate and apart in such special fund aside from other monies and securities of such cities, so that same shall be at all times subject to instant use.

Section 6. Every member of such police department including officers, detectives, patrolmen and wardens and such other persons who may be found or designated and declared by the Civil Service Board of said cities, respectively, to be members of such police departments shall come under and be governed by the provisions and benefits of this Act.

Section 7. That in all such cities where there is created and existing a Civil Service Board, such Board of such city or cities, shall hear and decide all applications for relief or benefit under this Act and in cities where such Board does not exist the governing body of such city, and the decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by such authority itself. This Board or governing body shall cause to be kept a complete and separate record of all its meetings and proceedings under the provisions of this Act.

Section 8. That all warrants drawn against such funds shall be signed as are other warrants signed and executed by authorized authorities of such cities; however, such warrants shall be different in color or otherwise so as to distinguish them from other city warrants and shall be kept separate and apart from other warrants drawn by such cities. No portion of said policemen's relief funds shall, before or after its order for distribution, be seized or held or in any wise subject to garnishment or levy of execution or attachment issued out of or by any court of this State or any other state, so far as same may be sought to respond to the payment or satisfaction of any debt,

damage, demand, claim, judgment or decree, against any beneficiary of such funds; but shall be exempt therefrom.

Section 9. That if any member of such police department, while in the performance of his duty, become and be found to be temporarily totally disabled, mentally or physically, for service in such police department, by reason of service therein, the authority referred to in Section 7 hereof shall order the payment, and there shall be paid, from the proper respective fund herein provided for to any such disabled member whose regular or usual salary or pay in such department is less than \$150.00 per month the sum of \$85.00/100 monthly, or at the rate of \$85.00/100 per month, during such total disability; and to any such member whose regular or usual salary or pay is not less than \$150.00 per month nor more than \$200.00 per month there shall be paid, during such total disability the sum of \$100.00/100 per month, or at the rate of \$100.00/100 per month; and to any such member whose regular or usual salary is more than \$200.00 per month but not more than \$300.00 per month there shall be paid from such funds, respectively, the sum of \$120.00/100, or at the rate of \$120.00/100 per month, during such disability; and to any such member whose regular or usual salary or pay as a member of the department is more than \$300.00 per month there shall be paid from such fund, the sum of \$150.00/100 per month, or at the rate of \$150.00/100 per month, during such total disability; and such disabilities shall be arrived at by such authority after report from the City Physician and such other physicians and surgeons as such authority may examine, and after the consideration of any other evidence such authority may desire to consider; this, provided such member during the same period is paid no salary as a member of the police department.

Section 10. That if any member of such police departments, while in the performance of his duty becomes or be found to be physically or mentally permanently totally disabled for service in such police department, by reason of service therein, said authority referred to in Section 7 hereof shall make such orders as may be necessary and thereupon such member shall be paid, monthly, from such funds, respectively, during the existence or continuance of such permanent disability the sum or sums, according to the amount of his usual or regular salary or pay at the commencement of such disability, as is provided in Section 9 hereof. Any such member may be called back and examined at any time under the orders of such authority and may be ordered back to active service, or to other service in connection with the city as he is able to perform, according to the instructions, findings and orders of such authority referred to.

Section 11. That if any member of such police department shall become and be found to be totally disabled, mentally or

physically, for service in such police department—which disability is not found to be directly or indirectly traceable to or caused by reason of service therein, except such disability as may come from or be the result of a venereal disease, or the use of drugs, or of intoxicating liquors, or dissipation, or is willfully caused by such member's own voluntary act—such member shall be paid, during the continuance of such disability, from such funds, respectively, an amount equal to one-half of his regular or usual salary or pay at the time of the commencement of his said disability.

Section 12. That the authority mentioned in Section 7 shall by this Act have the power to retire from such active service as by him was usually or regularly performed in such police department any member thereof who has performed faithful service in such police department for a period of not less than fifteen consecutive years; such members to be and constitute a reserve force or a part or portion of the reserve force, and together with any others assigned thereto under the provisions of this Act shall be known as the Reserve force of the Police Department of their cities, respectively; and they shall be on call at all times, and they shall perform special police duties in their respective cities as may from time to time be assigned to them by their Chief of Police, or under the orders or instructions of the authority mentioned in Section 7 hereof, and all such members so placed upon any such reserve force shall be paid from such funds respectively, the sum of \$100.00 per month during the time he is a member of such reserve force.

Section 13. That any member of such police department who has been in the service thereof for as much or as long as twenty-five years, the last five of which are consecutive years service, upon making written application to the authority mentioned in Section 7 of this Act shall, without medical examination or disability, be retired from such service in such department as by him was usually or regularly performed and thereupon shall become and be a member of a reserve force in his department, and shall be on call and perform all duties as is set forth and provided for in Section 12 hereof; and he shall be paid monthly from such funds the sum of \$100.00 during the continuance of his service on such reserve force in the department.

Section 14. That if any member of such police department while in the performance of his duty be killed, or dies as the result of any injury received in the line of his duty, or of any disease contracted while a member of such police department, except either directly or indirectly from a venereal disease or from dissipation or from the use of drugs or from the use of intoxicating liquors, or as a result of his own voluntary act, or shall die from any cause whatsoever as the result of his service

in such police department and while in such service, or after having served in such police department for fifteen consecutive years or more shall die while in the service, and leave a widow or child or children under the age of fourteen years surviving him, the authority referred to in Section 7 of this Act shall direct and cause the payment from said funds, monthly, to such widow during her natural life, and while unmarried, of Thirty Dollars, and to each child until it reaches the age of fourteen years, not less than Five nor more than Ten Dollars, which said sum for the benefit of such child or children shall be paid to the Mother, if living, monthly, so long as such child or children shall reside with and be supported by her; and if there be child or children and no widow surviving such member then, subject to the exceptions contained in this Section, for each child Ten Dollars per month to be paid to the person having the custody of each respective child. Should such deceased member leave no widow or children or child but leave a widowed Mother, dependent upon him for support, the said Mother shall be paid, subject to the exceptions contained in this Section, out of said funds during her natural life and so long as she remains unmarried the sum of Thirty Dollars monthly.

Section 15. That whenever an active member or a member of a reserve force as provided for herein of such police department shall die as aforesaid, there shall be appropriated and paid from said funds or sum not less than Seventy-five nor more than One Hundred Dollars for funeral and burial expenses of such deceased member, which sum shall be used for such funeral and burial expenses and paid out upon order and direction of the Chief of Police.

Section 16. That in all matters involving the disability or sickness of members of such police departments, the authority mentioned and referred to in Section 7 of this Act, shall, respectively, have such disabled member and if it sees fit such sick member, examined by the City Physician and such other reputable physicians or surgeons as it may select, who shall report to such authority the result of such examination or examinations in writing; and it is hereby made the duty of such City Physician when requested so to do by such authority to make such examination and to report thereon as aforesaid. And any member of such police department who refuses to allow such examinations as may be by such physicians or the authority referred to in this Section deemed necessary, shall during the continuance of such refusal be debarred from receiving any benefits whatsoever under this Act.

Section 17. That when the widow or children or child or widowed Mother, or any of them, shall be entitled to a benefit or benefits as provided in this Act, such widow, child, children or

widowed Mother shall make or cause to be made an application to the authority referred to in Section 7 of this Act on a form to be provided by such authority, if there be such form, which shall show in the case of the widow—proof of marriage of the deceased to the claimant, by marriage certificate or by other satisfactory evidence; and proof of the widowhood of the Mother of such deceased member and proof of her dependency for support upon him shall be shown by affidavits of such widowed Mother and otherwise; and the birth and ages of such children shall be shown by competent evidence or otherwise which is satisfactory to the authority to which presented.

Section 18. The provisions of Sections 9, 10, 11, 12 and 13 of this Act shall apply and be effective, and members of the police departments who shall receive the benefits of this Act under any of said Sections 9, 10, 11, 12 and 13 hereof, shall receive such benefits only so long as such members receiving same shall be bona fide residents of the county in which the city is located which creates said fund from which said members, respectively, received such benefits.

Section 19. While the creation of the respective funds has been specifically provided for in this Act, nothing herein shall in any wise be construed to prevent gifts, donations, legacies or otherwise to be made to any of such funds; and trustees for the purpose of receiving same and for the purpose of holding any property or performing any duty in connection with the relief funds herein provided for and established may at any time be made, named, designated or appointed by the authority referred to and mentioned in Section 7 hereof, and under such restrictions, rules and regulations as may be provided for by such authority.

Section 20. That if any section or provision of this Act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, part or provision of this Act which is not, of itself, void or unconstitutional.

Section 21. That this Act shall take effect from and after its approval by the Governor, or upon its otherwise becoming a law under Section 125 of the Constitution of Alabama.

Section 22. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are, hereby repealed.
Approved Sept. 29, 1923.

No. 503.)

AN ACT

(H. 853. Fite.

To amend Sections 2 and 15 of an Act entitled "An Act to regulate the mining of coal in Alabama" approved April 18, 1911, and as amended by an Act approved 30th day Sept. 1919.

Be it enacted by the Legislature of Alabama: That Section 2 of An Act entitled "An Act to Regulate The Mining Of Coal In Alabama" approved April 18, 1911, as amended by an Act approved 30th day of Sept. 1919, be amended to read as follows:

Section 2: The salary of the Chief Mine Inspector shall be four thousand (\$4,000.00) dollars per annum, and the salary of each of the Associate Mine Inspectors shall be three thousand (\$3,000.00) dollars per annum. That Section 15 of an Act entitled "An Act to Regulate The Mining of Coal In Alabama" approved April 18, 1911, as amended by an Act approved 30th day of Sept. 1919, be amended to read as follows: Section 15: The sum of fifty thousand (\$50,000.00) dollars is appropriated out of any money in the State treasury not otherwise appropriated for each of the years 1923, 1924, 1925 and 1926, and each succeeding year thereafter, to pay the salaries of the inspectors, a chief clerk and a stenographer—the chief clerk and stenographer to be appointed by the chief mine inspector; the salary of the chief clerk shall be two thousand, four hundred (\$2,400.00) dollars per annum, and the salary of the stenographer shall not exceed one thousand, two hundred (\$1,200.00) dollars per annum; and all necessary traveling and other expenses incurred by the members of the Board of Mine Inspectors while traveling in the discharge of their official duties, and for extraordinary expenses as mine disasters; and for the payment of not to exceed one hundred and fifty (\$150.00) dollars per month for office rent of said board; and for not to exceed fifteen hundred (\$1,500.00) dollars for printing annual report; and for the expense of the chief mine inspector in attending mine inspectors' conventions, and for the rent or hire of a telephone at the residence of each member of said board and telephone at the office of said board; for postage stamps, stationery, and for the payment of long distance telephone and telegraph messages sent by the members of said board when necessary in the discharge of their official duties; also for the purchase of all necessary apparatus usually required in an office of that character; said expenses will be paid monthly on approval of the governor of monthly itemized statement presented to him by the chief mine inspector; and the State auditor is authorized and directed to draw his warrant on the State treasurer in favor of the chief mine inspector for the monthly expenses as aforesaid. when so directed by the governor.

Be It Enacted Further: That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed and the same be and are hereby superseded by the provisions of this Act in so much as the same may relate thereto but no more and not otherwise.

Approved Oct. 3, 1923.

AN ACT

To provide for the preservation, development and improvement of the State's oysters and oyster beds; to provide methods for the removal of oysters from the waters of this State; to provide for planting seed oysters and oyster shells on barren bottoms and depleted areas in the waters of Alabama; to provide for the repeal of statutes relating to leasing oyster bottoms; to provide for revenue to carry on the development of the State's oyster reefs and oyster bottoms; to provide for a tax on oysters; and for other purposes.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the Commissioner of Game and Fisheries is hereby authorized and empowered to engage in the planting of seed oysters and oyster shells between April 1st and July 1st of each year, by contracting with owners of boats or other water-craft and equipment suitable for such purposes; provided that when the amount of money in the oyster fund is sufficient the Commissioner of Game and Fisheries may purchase for the State such boats, water-craft and equipment to be used by the State in harvesting and planting seed oysters and planting oyster shells, said purchase to be handled through the Purchasing Board of the State, so long as the State maintains such purchasing board. The expenses of such planting may also be paid out of any appropriations which have been or may hereafter be made for the development of the State's oyster reefs and bottoms.

Section 1½:—That for the purpose of developing and enlarging the oyster reefs and improving the oyster bottoms in the waters of Alabama the Commissioner of Game and Fisheries or the Commissioner of Conservation, is hereby authorized to remove, by means of power tongs, or dredges or otherwise, oysters from that portion of Mobile Bay North of a line extended from the center of Section 6, Township 8 South, Range 1 West, At Alabama Port Mobile County, Alabama, easterly to Mullet Point on the Eastern Shore of Mobile Bay in Baldwin County, Alabama.

Sec. 2. That the price paid for planting seed oysters and oyster shells shall be based on barrel measurement, and shall not exceed at any time the price paid by other States on the Gulf Coast.

Sec. 3. That the planting of seed oysters and oyster shells shall at all times be done under the supervision and inspection of the Department of Game and Fisheries, and the Commissioner of Game and Fisheries shall select the beds from which seed oysters are to be removed and the bottoms where seed oysters and oyster shells are to be planted and the number of barrels to be planted per acre.

Sec. 4. That in addition to the privilege license or tax, required by this Act, a further tax of five (5) cents per barrel is hereby laid on all oysters canned, packed, shipped or sold in and from this State, and on all oysters caught and taken from the public reefs and private bedding grounds, for packing, canning, shipping or for sale. A tax of five (5) cents is hereby laid on each turtle, terrapin, packed, canned or caught for commercial purposes in this State or the waters within the territorial jurisdiction of this State. Provided that in the taking of diamond back terrapin from the waters of this State or the waters within the territorial jurisdiction of this State only counts measuring six inches from anterior to posterior extremities of the body underneath shall be taken.

Sec. 5. All taxes mentioned in this Act shall be paid by the person, firm or corporation, commonly known as dealers, factories or shippers, first marketing the oysters, shrimp, terrapin, turtle or other sea-food products, and any person who has purchased same from a dealer, factory, shipper or any other person, who has paid the tax thereon shall not be taxed again. Each packer, canner, shipper, dealer, seller, commission-man and boat-man shall keep a record of all oysters, shrimp, terrapin, turtle, fish or other sea-food products purchased by him or them, with the names of the parties from whom purchased, the date thereof, the quantity purchases, to whom sold by him or them, and when sold, and shall keep an itemized account of all oysters, shrimp, terrapin, turtle, fish and other sea-food products caught by such packer, canner, dealer, commission-man or other person, and all caught and taken by boats controlled by them, showing the date and place where they were caught or taken and the quantity of each item, in a manner which the Commissioner of Game and Fisheries may prescribe, and they shall exhibit the said records at all times, when called on by the Commissioner of Game and Fisheries or his inspectors, and each packer, canner, shipper, dealer, seller, commission-man, and boat-man shall make report under oath, monthly, as to the number of barrels of oysters or shrimp, or the amount of terrapin, turtle, fish or other sea-food products purchased or caught and where caught during the month preceding said report, and the making of any false oath to any report shall be perjury and shall be punished as provided by law in cases of perjury. The report so made to the Commissioner of Game and Fisheries shall be admissible in evidence in any court to prove the fact herein contained.

Sec. 6. That all moneys arising from taxes, licenses, or otherwise under the provisions of this Act shall be paid to the Commissioner of Game and Fisheries, or his duly authorized agents, on the 1st day of each month and said remittance shall

be immediately covered into the State Treasury to the credit of the Oyster Fund. The funds derived from the taxes and license herein provided shall be used by the Commissioner of Conservation or Commissioner of Game and Fisheries for replenishing the public oyster bottoms and public oyster lands in Alabama, and for planting and replanting oysters and oyster shells in and on the said bottoms.

Sec. 7. That from and after the passage of this Act the leasing of the State's public oyster bottoms by persons, firms and corporations shall not be permitted, and all laws now in force relating to the leasing of said bottoms be and the same are hereby repealed; provided that all present lease-holders may continue to remove commercial oysters from their leased bottoms until May 1st, 1928, and provided further that said leaseholder or lease-holders shall pay to the Commissioner of Game and Fisheries, or his duly authorized agent, the sum of \$1.00 per acre per annum during the time which he is permitted to operate his leased bottoms.

Sec. 8. That in addition to a tax of 5c per barrel on oysters, ten per cent of the shells of all oysters taken from the public reefs of this State shall be set apart at the place where same are opened and there delivered to the Commissioner of Game and Fisheries, or his duly authorized Agent by the person, firm or corporation opening or causing same to be opened for use by the State for planting in depleted oyster areas, or barren bottoms. Any person, firm or corporation that shall use, sell or otherwise dispose of any oyster shells of oysters taken from the public reefs of the State without the said ten per cent being set apart, delivered and accepted as herein provided, shall in connection thereof be fined not less than \$50.00 nor more than \$500.00 for each offense; provided however that no person, firm or corporation shall be compelled or required under the provisions of this Act to hold or keep shells in violation of the law or ordinances of any city or municipality.

Sec. 9. That if during any year the State is unable by reason of lack of equipment or labor to remove and plant the oyster shells, provided for in Section 8 of this Act, the Commissioner of Game and Fisheries, or his duly authorized agent, may sell same at the market price. The money derived from the sale of said oysters shells shall be remitted to the Commissioner of Game and Fisheries and covered by him into the State Treasury to the credit of the Oyster Fund.

Sec. 10. All laws and parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed.

Sec. 11. This Act shall take effect and be in full force and effect on and after May 1st, 1924.

Sec. 12. A violation of any of the provisions of this Act,

not otherwise provided for, shall constitute a misdemeanor and is punishable by a fine of not less than \$25.00 nor more than \$100.00.

Approved Oct. 1, 1923.

No. 506.)

AN ACT

(H. 642. Holcombe.

To prescribe the duties of sheriffs as to inferior criminal courts in all counties having a population of over eighty thousand, according to the last Federal census, or which may hereafter have such population according to any Federal census hereafter taken, in which the sheriff is not on a salary basis under and by virtue of a constitutional amendment, and to fix the compensation of the sheriffs of such counties, as well as the compensation of the sheriffs of all other counties in which the sheriffs are now or may hereafter be required to perform for the inferior criminal courts of their respective counties the services and duties by this Act specified and enumerated for sheriffs of counties having a population of over eighty thousand, for executing process out of such courts and for other services rendered in or to such courts, and to provide the method of payments and to limit the amount of fees and allowances to be paid by counties in cases wherein the fine and costs are not paid by convicted defendants, and to repeal all laws, and parts of laws, general, local, private and special in conflict herewith.

Section 1. *Be it enacted by the Legislature of Alabama* that from and after the approval of this Act Sheriffs in all counties having a population of over eighty thousand according to the last Federal Census, or which hereafter may have such population according to any Federal Census hereafter taken, in which the Sheriff is not on a salary basis under and by virtue of a constitutional amendment, shall perform all of the duties that are now required of them by law in the execution of process of whatever nature or kind that may be issued out of all Inferior Criminal Courts in such Counties, as well as all other duties now required of them in and to such Courts, and in addition thereto shall be required to keep in attendance upon such Courts at all times while such Courts are in session at least two bailiffs, one of whom must be a Deputy Sheriff.

Section 2. *Be it further enacted by the Legislature of Alabama* that from and after the approval of this Act the Sheriffs of each of such Counties shall also be required to furnish to the Judge of the Inferior Criminal Court in such County every ninety days a written report, giving the number of warrants received by him from such Inferior Criminal Court during the preceding ninety days, together with the name of each defendant and the offense charged; a statement showing which of said warrants have been executed; and a statement showing which of said warrants have not been executed, giving, with regard to the latter, a statement setting forth his efforts to execute the same and his reasons for not having executed the same.

Section 3. Be it further enacted by the Legislature of Alabama that such Sheriffs, and the Sheriffs of all other Counties of this State who are now or may hereafter be required by law to perform for the Inferior Criminal Courts, of their respective Counties, the services and duties of this Act specified and enumerated, shall receive as compensation for their services for executing process out of all of such Inferior Criminal Courts, the same fees as are now paid for like services rendered in or to Circuit Courts in this State, such fees to be paid and collected in the same manner as fees to Sheriffs for like services are now paid and collected in the Circuit Courts of this State, the fees herein provided for to be in lieu of any and all salaries, fees or other compensation heretofore provided for any of such Sheriffs, and such fees to be considered and treated as not only covering the compensation of such Sheriffs for executing process issued out of such Inferior Criminal Courts but as also covering the compensation of such Sheriffs for performing the other duties herein required of them, provided, however, that such fees shall only be paid in those cases where there are convictions, and provided, further, that the respective Judges of said Courts in entering judgment of conviction shall assess all costs against the defendant and include in such judgment a sentence for costs in event the costs are not paid by the defendant. Provided further that in no event shall the amount of fees or allowance to be paid to such Sheriffs by the county for such services in those cases wherein the fines and costs have not been paid by convicted defendants exceed three hundred dollars in any one month.

Section 4. Be it further enacted by the Legislature of Alabama that all laws, and parts of laws, general, local, private and special, in conflict with the provisions of this Act be, and the same hereby are, repealed.

Approved Sept. 29, 1923.

No. 507.)

AN ACT

(H. 567. Mrs. Wilkins.

To amend Section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled, (H. R. 4438, approved June 2, 1920) entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' to provide for the administration of same, and to make appropriations for these purposes:" approved October 6, 1920.

Be it enacted by the Legislature of Alabama:

Section 1: That Section 6 of an Act entitled "An Act to provide for the acceptance of the benefits of an Act by the

Senate and House of Representatives of the United States of America in Congress assembled, (H. R. 4438, approved June 2, 1920) entitled 'An Act to provide for the Promotion of Vocational Rehabilitation of Persons Disabled in Industry or Otherwise and Their Return to Civil Employment,' to provide for the administration of same, and to make appropriations for these purposes" approved October 6, 1920, be amended so as to read as follows: Section 6: For the purposes of this Act there is hereby appropriated out of any monies in the State Treasury not otherwise appropriated the sum of twenty-two thousand three hundred and five dollars and fifty-six cents, (\$22,305.56), annually beginning October 1, 1923, and for each year thereafter; provided that of this appropriation the sum of ten thousand dollars (\$10,000.00) or as much thereof as may be needed shall be available to assist when necessary in the maintenance of disabled persons while in training.

Approved Sept. 29, 1923.

No. 508.)

(H. 396. Goodwyn

AN ACT

To authorize the appointment of Guardians for persons needing same, and entitled to the benefits of the Act of Congress of the United States, known as the War Risk Insurance Act; to provide for the manner in which such guardians shall be appointed; and to prescribe their powers and duties.

Section 1. *Be it enacted by the Legislature of Alabama* that in any case where it is found necessary that a guardian may be appointed for any person or persons entitled to the benefits of the Act of Congress known as the War Risk Insurance, before such person or persons can receive the benefits of said Act, and where a guardian has not already been appointed for such person or persons under the existing laws of this State, a guardian may be appointed in the following manner, which shall be in addition to the methods of appointment now provided by law.

Section 2. A petition may be filed by any person claiming the right to be appointed guardian, or if there be no one who may claim such right, it may be filed by any responsible person, or trust company, resident of the county in which the beneficiary of said act has his or her domicile, temporary or permanent, or in the county where such person is confined or detained in some hospital or institution for care or treatment. The petition shall set forth all the facts justifying the appointment, and due proof shall be made that such appointment is necessary. A notice by the United States Veterans Bureau, or duly authorized official of the United States Bureau to the effect that an appointment of a guardian is necessary shall constitute sufficient proof to justi-

fy the appointment of the guardian. Where the appointment of a guardian is sought, a certified copy of the examination of the party, made by the experts appointed by the United States Veterans Bureau, or duly authorized official of the United States Veterans Bureau, shall be filed with the petition where such can be obtained. The name of the institution, if any, in which the person for whom the guardian is to be appointed, is being treated, must be stated in the petition.

Section 3. That it shall not be necessary to cite the person for whom the guardian is sought, no jury need be summoned and there shall be no pronouncement of insanity in the case. But the said person shall at all times have the right to have the appointment revoked and an accounting made to him, or her, by the guardian, upon producing due proof that he or she has been pronounced cured.

Section 4. That in the appointment of such guardian the relatives in the following order shall be given preference; the wife or husband, the father, mother, grandfather, grandmother, sister, brother and other relatives in the order of their relationship. The relatives shall be given preference in the order as set out above. In all cases, however, the Judge must satisfy himself that the applicant is fit and proper for such guardianship. Bond must be required in all cases in an amount proper and reasonable, but not less than the money due and to be due during a period of twelve months. Bond need not be required of a trust company, or bank authorized to act as guardian or executor under the laws of this State.

Section 5. Be it further enacted, that the sole power of the guardian so appointed under the foregoing provisions shall be to receive any money or moneys due the beneficiary under the said act of Congress, and to distribute same for the benefit of the said beneficiary. The said guardian shall also have the right to receive for the account of the said beneficiary any money or moneys due from the United States Government in the way of arrears of pay, bonus, or other sums due by reason of his or her service, (or the service of the person through whom the beneficiary claims), in the military, or naval, branch of the United States Government. The said guardian shall have no power or right to administer other property belonging to the beneficiary. When the appointment of a general guardian for such person is made in the proper court, and such guardian has qualified and taken charge of the other property of said beneficiary, such general guardian may file notice of such appointment in the court where the guardianship hereunder is pending, and may have this guardianship settled up and closed so that the general guardian may take charge of the money herein referred to and described.

Section 6. A guardian appointed hereunder shall annually file in the Court of Probate an account of his guardianship, accompanied with the vouchers, showing his receipts and disbursements, which must be verified by affidavit. A copy of such statement or account must be filed with the District Manager of the United States Veterans Bureau, and proof made that such copy has been so filed. Thereupon the Court must appoint a day for the settlement, which must be not less than two weeks from the date of the filing of said accounts; which date of hearing may be continued from time to time as may be necessary. The Court need not give notice by advertisement or by posting notice at court house door and other public places in the county. The Court need not appoint a guardian ad litem to represent said person at said hearing. If the residence of the next nearest of kin of said person is known, notice by registered mail must be sent to such relative. Notice also may be given the ward, or, if said ward be mentally incapable of understanding the matter at issue, such notice may be served on the person in charge of the institution where such ward is detained, or on the person having the charge or custody of said ward.

Section 7. It shall be the duty of the Judge of said Court, on the day on which said hearing is had, to carefully examine the vouchers, and to audit and state the account between the guardian and the ward. Proper evidence must be required in support of all vouchers or items of the account that may appear to the Court not to be just and proper; such evidence to be taken by affidavit or by any other legal mode. If any voucher be rejected, the cost accruing regarding same must be taxed against the guardian personally. After such examination, the Court must render a decree upon said account, which must be entered of record; and the account and vouchers must be recorded. Such partial settlement must be taken and presumed as correct on final settlement of said guardianship.

Section 8. Upon the filing of the petition hereunder for guardianship, and granting of same, and entering decree thereon, the judge of the Probate Court shall be entitled to a fixed charge or cost of five dollars (\$5.00) together with the cost of recording the petition, bond and decree and letters of guardianship. The notice from the United States Veterans Bureau and the certified copy of the examination made by experts, etc.; need not be recorded, but must be kept in the file. The cost of such certified copy herein referred to shall not exceed \$2.50. The attorney's fee for the attorney filing said petition and conducting said proceedings shall be fixed by the Court in an amount as reasonably small as possible, not to exceed \$25.00. For the hearing on annual partial settlement of guardianship the Probate Judge shall be allowed a fixed fee of \$5.00, together with

cost of recording the account and vouchers and decree, etc. The fee of the attorney conducting said proceedings shall be fixed by the Court on a reasonable basis not to exceed \$25.00.

Section 9. On the final settlement of such guardianship, the notice provided herein for partial settlement must be given, and other proceedings conducted as in cases of partial settlement, except that a guardian ad litem must be appointed to represent the ward, whose fee shall in no case exceed \$15.00. Providing, however, if the said ward has been pronounced cured, and is shown to be mentally sound, and appears in court, and is twenty-one years and over, the said settlement will be had between the guardian and ward under the direction of said court, without notice to next of kin, or the appointment of a guardian ad litem. A copy of the said final settlement so made, in all cases, must be filed with the United States Veterans Bureau.

Section 10. This act is intended to apply solely to soldiers, sailors, marines, nurses, and others, or their dependents and beneficiaries, under the War Risk Insurance Act herein referred to, and this Act shall in no manner be held to amend or repeal existing laws relative to guardianship, except as and to the extent hereinabove provided.

Section 11. The guardian hereunder shall be entitled, for his services, to commissions of two and one-half per cent on his receipts, and two and one-half per cent on all disbursements, including the amount of money paid or decreed to be paid to the ward, or to a succeeding guardian. Said guardian shall also be allowed any reasonable premiums paid on his bond as guardian, and for special expenses incurred or services rendered, the guardian may be allowed such compensation as is just and reasonable having due regard to the value of the estate and of the services so rendered. But no allowance of actual expenses, or for special services, must be made, except upon itemized statement of same, verified by affidavit; and in its decree the Court must state each item for which such compensation is allowed. Where the amount in hand, or received by the guardian periodically, is not all necessary for the support and maintenance of the ward, the court may authorize the guardian to pay over a certain pro rata part of said money to certain relatives or dependents of said ward as contemplated and provided by the Act of Congress in reference to same.

Section 12. The provisions of this Act shall become effective immediately upon its approval by the Governor.

Approved Sept. 29, 1923.

No. 509.)

AN ACT

(H. 603. Christian.

To authorize Courts of County Commissioners and Boards of Revenue in the several counties of this State to deposit any funds arising from any

special tax levied to pay bonds, which are in excess of amounts then payable on said bonds, to deposit them in some solvent savings bank in the State of Alabama in the name of the county, or to invest the same in interest bearing securities issued by the United States Government or by the State of Alabama.

Be it enacted by the Legislature of the State of Alabama:

Section 1. That Courts of County Commissioners and Boards of Revenue in the several counties of this State, be, and the same are hereby authorized to deposit any funds arising from any special tax levied to pay bonds issued by said county, which are in excess of amounts then payable on said bonds, in some solvent savings bank in the State of Alabama, in the name of the County, or to invest the same in interest bearing securities issued by the United States Government or by the State of Alabama. The interest accruing on such deposit or from such securities shall be a part of the interest accruing on such deposit or from such securities shall be a part of such special fund, and shall be devoted to the same uses as the principal of said fund. "The courts of County Commissioners, Boards of Revenue or other courts of like jurisdiction, shall require adequate bond of said bank to secure the safety of said deposit, which bond shall be in such sum as such courts or boards shall fix, having due regard to the safety of county funds."

Approved Sept. 29, 1923.

No. 510.)

AN ACT

(H. 384. Grove.

To permit municipalities, having a population of not less than 25,000 and not more than 150,000 according to the last or any subsequent Federal census, municipal corporations, and governing authorities of municipal corporations, in cases involving violations of municipal ordinances to assess as costs of court not exceeding four dollars in each case, and to provide how the costs shall be used upon its collection.

Be it enacted by the Legislature of Alabama:

Section 1. That all municipalities, municipal corporations, or governing authorities of municipal corporations, are hereby authorized to assess as costs of court a sum not exceeding four dollars in connection with every violation of a municipal ordinance.

Sec. 2. That the governing authority of the respective municipalities may by resolution provide that all, or a portion, of the said costs, shall be paid into a fund provided for the pension of policemen and firemen, or either, in its respective municipality.

Sec. 3. The governing authority of any municipality or municipal corporation may also, by resolution, prescribe to what fund the costs of court shall be paid, and may also fix rules for

its distribution to several funds, if, in the opinion of the governing authority of the municipality, such is advisable. Provided that the provisions of this act shall not apply to municipalities of less than twenty-thousand population according to the last or any subsequent Federal census.

Sec. 4. That this act shall take effect immediately upon its passage and approval by the Governor. Provided that this act shall not apply to cities and towns having a population of less than 25,000 or more than 150,000 according to the last or any subsequent Federal census.

Approved Sept. 29, 1923.

No. 511.)

AN ACT

(H. 39. Goodwyn.

To provide for the completion of the topographical survey and map of the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. In order to expedite the completion of the topographic mapping of the State of Alabama, the State Geologist is hereby empowered and directed to cooperate with the United States Geological Survey in the execution of topographic surveys of the State of Alabama, in a manner sufficiently elaborate to prepare maps on scales which may be agreed upon for different localities, exhibiting the land and water features, relief, roads, buildings, and all civil boundary lines as marked on the ground at the time field surveys are executed, and to establish permanent bench marks along highways and other routes of travel marked with elevations based on mean sea level.

Section 2. The State Geologist is authorized to enter into an agreement with the Director of the United States Geological Survey whereby the expense of executing the field surveys and the preparation of the resulting maps for publication shall be borne by the State of Alabama and by the Federal government in such proportion as is equitable to both governments.

Section 3. In order to carry out the provisions of this Act, it shall be lawful for any person or persons employed hereunder to enter and cross all lands in the State, provided in so doing no damage is done to private property.

Section 4. Be it further enacted, that to carry out the provisions of this Act the sum of \$10,000 is hereby appropriated annually, until otherwise ordered by the Legislature, out of any money in the treasury not otherwise appropriated, and the Auditor is hereby authorized to draw his warrants on the State treasury for the said \$10,000 annually, until otherwise ordered by the Legislature, such warrants to be issued only upon the

order of the State Geologist, approved by the Governor at such times and in such amounts as the necessities of the Survey may require.

Approved Sept. 29, 1923.

No. 512.)

(H. 47. Bealle.

AN ACT

To amend Chapter 21 of the Code of 1907 relating to the Geological Survey.

Be it enacted by the Legislature of Alabama that Chapter 21 of the Code of 1907, relating to the Geological Survey of Alabama, be amended so as to read as follows:—

689 (2241). STATE GEOLOGIST.—Eugene A. Smith, professor of mineralogy and geology in the University of Alabama, is State Geologist. In the event of a vacancy in the office of State Geologist, from any cause, a professor in the department of geology in the University of Alabama, to be designated by the President of the University with the approval of the Governor, shall be the State Geologist, whose term of office shall be at the will of the President of the University and the Governor.

690 (2242). HIS DUTIES.—It shall be the duty of the State Geologist to devote such portions of his time as may not be required for the discharge of his duties as professor in the University of Alabama, to making explorations and examinations of the mineral, agricultural, biological, and other natural resources of the State, so as to determine accurately the quality and character of its soils and their adaptation to agricultural purposes, and especially to the occurrence and quality of phosphates, marls, gypsum, and other natural fertilizers; its mineral resources and their locations, character and capacity for development; its water powers and their capacity; its forest trees and their utilities and distribution; its other plant and animal forms useful or noxious; and it shall be the duty of him and his assistants, whenever they discover any deposits of ores or other resources of value, to notify immediately the owners of the land on which such deposits occur; but no individual or firm or corporation shall have the right to call upon or require the State Geologist to enter upon any special survey for his or their individual benefit. The Survey is to proceed upon a settled plan for the benefit of the public and prospectors and investors in general. He shall also make to the Legislature at each of its regular sessions, a report of the progress of his explorations and examinations, together with such analyses of soils or of minerals, mineral waters, etc., with maps and charts as may be needed for illustrations, which report shall be printed and shall be the exclusive property of the State. He shall also make collections of specimens illustrative of the geological, agri-

cultural and other natural resources of the State, which, after they shall have served the immediate purposes of the Survey, shall be placed in the museum of the Survey in Smith Hall at the University of Alabama, as a permanent exhibit, except that duplicates of these specimens and excess material may be distributed by the State Geologist to educational institutions of the State which may request them and have use for them. He shall also from time to time prepare or cause to be prepared monographs, special reports or bulletins on the geology and varied resources of the State which shall be published under the provisions of Sections 695, 696, and 697 of the Code of 1907.

691 (2243). ASSISTANTS.—The State Geologist may appoint with the approval of the Governor, such assistants, including a competent chemist, and for such periods and with such compensation as he may deem necessary to the best interests of the Survey.

692 (2244). ANNUAL APPROPRIATION.—There is appropriated out of any funds in the treasury, for the geological and agricultural survey provided for in this chapter, annually the sum of twelve thousand six hundred dollars, (\$12,600), out of which said sum shall be defrayed the expenses of the Survey, except the salary of the State Geologist, which shall be paid as provided for in Sec. 693 of the Code of 1907, and the expenses of printing and binding geological bulletins and reports, which shall be paid for as provided for in Sections 696 and 697 of the Code of 1907. Upon the requisition of the State Geologist, when approved by the Governor, the Auditor shall draw his warrant on the Treasurer for the amount appropriated, in such sums as may be needed from time to time for the purposes of the Survey herein provided for; and for all expenditures made under the provisions of this Chapter, except for the salary of the State Geologist, the approval of the Governor must be obtained, and the vouchers of the State Geologist for all such expenditures, must be filed quarterly with the Auditor, and a statement of his receipts and expenditures shall accompany each quadrennial report of the State Geologist.

693 (2245). SALARY.—The State Geologist shall receive out of the State Treasury a salary of Four Thousand Dollars per annum, payable in equal monthly installments, as the salaries of other State officers are paid.

694 (2246). EXPENSES OF THE SURVEY.—The balance of the annual appropriation herein provided for, shall be devoted, so far as may be necessary, to execute the purposes of this Chapter, to the discharge of the expenses of the Survey including the compensation of all temporary and permanent assistants; traveling expenses of the Geologist and geological corps, in and out of the State; purchase of apparatus and ma-

terials for making chemical analyses; other expenditures for outfit; expenses incurred in providing for the transportation, arrangement, and proper exhibition of the geological and other collections made on the authority of this chapter, and the engraving of maps and sections, etc., to illustrate the quadrennial reports of progress.

695. **BULLETINS OF THE STATE GEOLOGIST.**—Whenever the State Geologist has in hand, ready for publication, material for a bulletin or any other report, of his surveys and investigations of the mineral, agricultural or other natural resources of the State, he shall report the same to the Governor, and a committee consisting of the Governor, Secretary of State and State Geologist, shall then determine the number of such bulletin or report which shall be printed and published.

696. **PRINTING AND BINDING GEOLOGICAL BULLETINS.**—When the number of such bulletin or report to be printed and published has been so determined, the Governor shall order the same to be printed and bound forthwith at such times and places, and in such manner and style as regards size, type, quality of paper, binding, etc., as said committee may deem best, and in similar manner he shall have engraved and printed all charts, maps, views, drawings, sketches, or details as may be deemed necessary by said committee to properly illustrate such bulletin or report. And for the purposes herein mentioned, when, in the opinion of said committee, the state printers are not prepared to do in proper manner any engraving or other work required for such report or bulletin, the Governor may authorize special contract with such persons, firms, or corporations, within or without the State, as in the judgment of said committee will secure the promptest and most satisfactory work.

697. **PAYMENT OF PRINTING AND BINDING BULLETINS.**—The accounts for the printing, engraving and binding done under the provisions of this chapter, when approved by the Governor, shall be paid by his order out of any moneys in the State Treasury.

Approved Sept. 29, 1923.

No. 513.)

AN ACT

(H. 944. Fite.

To further regulate the issuance of executions in the Circuit Courts of counties of more than two hundred thousand population according to the last or any subsequent Federal census.

Be it enacted by the Legislature of Alabama:

Section 1. When the plaintiff is the successful party in any cause heretofore or hereafter filed in the Circuit Court of any County in the State having a population of more than two hun-

dred thousand according to the last or any subsequent Federal census, and execution against the defendant is or has been returned "no property found," the Clerk of the Court may issue execution against the plaintiff in the name of the Clerk for all the costs created by the plaintiff; but the Clerk shall not be required to issue execution against the plaintiff under such circumstances; provided that all other laws relating to the issuance of executions in such Counties shall remain in force.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Approved Sept. 29, 1923.

No. 514.)

(H. 227. Dowdle.

AN ACT

"For the relief of Thomas J. Hale of Reform, Pickens County, Alabama, to pay him the sum of \$500.00 due him by a contract made with him by the State High School Commission, employing him as principal of the Pickens County High School for the year 1909-10."

"Whereas, the State High School Commission employed Thomas J. Hale as principal of the County High School of Pickens County, Alabama, located in said county, to teach and conduct said school for the year 1909-10, at and for the sum of \$1300.00 for the said year, and

Whereas the said Thomas J. Hale did perform the duties of principal of the said school for the said time, but the State paid him only eight hundred dollars of the said thirteen hundred dollars that it owed him for said services, and

Whereas the State of Alabama still owes the said Thomas J. Hale the balance of said contract price for said service to-wit: the sum of five hundred dollars which has been due him since July 1st, 1910, Therefore

Be it enacted by the Legislature of Alabama:

Section 1. That the State of Alabama owes Thomas J. Hale the sum of five hundred dollars.

Section 2. That the State Auditor be and is hereby required to draw a warrant on the State Treasurer of Alabama in favor of the said Thomas J. Hale for said amount of five hundred dollars payable out of any fund in the State Treasury not otherwise appropriated."

Approved Sept. 29, 1923.

No. 515.)

(H. 796. Smith of Lee.

AN ACT

To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide that said commission shall have the same powers and jurisdiction over public utilities engaged in

interstate commerce not regulated under acts of the Congress of the United States as said commission has over public utilities engaged in intrastate commerce within the State.

Be it enacted by the Legislature of Alabama:

Section 1. All the authority, powers, and jurisdiction which have been given by law to the Alabama Public Service Commission over public utilities engaged in intrastate commerce in this State, are hereby given to said commission over public utilities whose principal place of business is located outside the State of Alabama, but who are engaged in this State in interstate commerce not regulated under the acts of the Congress of the United States to the extent that the exercise by said commission of such authority, powers and jurisdiction over such public utilities engaged in interstate commerce is permissible.

Section 2. This Act shall take effect upon its approval by the Governor.

Approved Sept. 28, 1923.

No. 516.)

AN ACT

(H. 95. Embry.

To authorize boards of county commissioners, boards of revenue, or other like governing bodies of counties in Alabama to purchase or condemn road building and maintenance material, and rights-of-way for roads to and from such material.

Be it enacted by the Legislature of Alabama.

Section 1. That Courts of County Commissioners, Boards of Revenue or other like governing bodies of the counties of this State shall have authority to acquire by purchase or by condemnation, land necessary for drainage ditches and borrow pits, lime and stone quarries, clay and clay pits, sand and sand pits, chert and chert pits, gravel and gravel pits together with any and all other materials of every character that may be necessary or essential or desired in the construction and maintenance of highways and bridges, and to tap and draw material from the same and such road right of way as may be necessary for ingress or egress to and from such material. The reasonable market value, if any, of such land and material to be paid for same.

Section 2. The condemnation proceedings for such land and materials shall be as is now provided by law for condemnation of land for public use.

Section 3. This Act shall take effect on and after its approval by the Governor.

Approved Oct. 1, 1923.

No. 517.)

(H. 940. Jones.

AN ACT

To provide that the unexpended balances in all special and trust funds, except those provided for in the Constitution and such appropriations as are taken in whole or in part from the General Educational Fund or from the annual legislative appropriation to the public schools and the pension fund, be made to revert to the General Fund at the close of each fiscal year.

Be it enacted by the Legislature of Alabama:

Section 1. That the unexpended balances in all special and trust funds, except those provided for in the constitution and such appropriations as are made in whole or in part from the General Educational Fund or from the annual Legislative appropriation to the public schools and the pension fund, be made to revert to the General Fund at the close of each fiscal year.

Section 2. That the State Auditor is hereby instructed to cover all such balances as are affected by this Act into the General Fund before closing the books for any fiscal year, beginning with the close of the current year.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved Oct. 1, 1923.

No. 518.)

(H. 563. Mrs. Wilkins.

AN ACT

To make an appropriation for the maintenance of county high schools and for high school supervision.

Be it enacted by the Legislature of Alabama:

Section 1: That there is hereby appropriated annually out of any monies in the State Treasury not otherwise appropriated the sum of two hundred ten thousand (\$210,000) dollars to meet the regular annual appropriation to each county high school, and the conditional appropriation of one hundred thousand five hundred (\$100,500) dollars to meet the conditional annual appropriation of \$1500.00 to each county high school, these appropriations to be expended as provided in Article 24 of the School Code (Act approved September 26, 1919); provided that the State Board of Education is authorized to use annually so much of the above appropriations as may be deemed necessary for the proper supervision and inspection of the high schools of the state. "Provided further that any part of the conditional appropriation of \$100,500.00 for which applications have not been filed on October first of each year shall be apportioned to the counties whose applications are on file for sums in excess of

the \$1,500.00 allotted to each county. The maximum amount which any county may receive over and above the \$1,500.00 shall be \$1,000.00, which must be matched by an equal amount. If the sum of all applications for additional appropriations from the conditional appropriation is in excess of the balance remaining of the conditional appropriation, this balance shall be apportioned to the counties making such applications in proportion to the total amount for which applications have been made.

Section 2: That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved Sept. 28, 1923.

No. 519.)

(H. 660. Goodwyn.

AN ACT

To authorize the Governor, the Chief Justice of the Supreme Court, and the Attorney General to acquire for the use of the State additional property.

Be it enacted by the Legislature of Alabama:

Section 1. That the Governor, the Chief Justice of the Supreme Court, and the Attorney General are hereby authorized to acquire by purchase such real property in the City of Montgomery in proximity to the Capitol for the use of the State of Alabama, for State purposes, as in their judgment may be necessary, and in the event they shall be unable to acquire such property by purchase, they are hereby authorized to have instituted in the name of the State of Alabama, in the proper Court, condemnation proceedings for the acquisition of such property.

Section 2. There is hereby appropriated out of the State Treasury a sum of money sufficient to meet the expenses incurred under the provisions of this Act. The purchase price of the property so bought shall be paid on certificate of the Governor, the Chief Justice of the Supreme Court, and the Attorney General, and a majority of these shall have full power to act in all matters arising under this Act.

Section 3. The Governor, the Chief Justice of the Supreme Court, and the Attorney General shall not incur any liability under the provisions of this act and shall not expend any money hereby appropriated unless in their opinion the condition of the State Treasury justifies the same.

Approved Oct. 1, 1923.

No. 520.)

(H. 601. Mrs. Wilkins.

AN ACT

To make appropriations for the promotion of vocational education in agriculture, trades and industries, and home economics in co-operation with the Federal Board of Vocational Education or otherwise.

Be it enacted by the Legislature of Alabama:

Section 1: That for the purpose of promoting vocational education as set forth in Article 21 of the School Code (Act approved September 26, 1919) there is hereby appropriated out of any monies in the State treasury not otherwise appropriated for the fiscal year beginning October 1, 1923, the sum of one hundred and twelve thousand seven hundred and sixty dollars and eighty-three cents (\$112,760.83); for the fiscal year beginning October 1, 1924, the sum of one hundred and thirty-five thousand three hundred and seventy-four dollars and sixty-four cents (\$135,374.64); for the fiscal year beginning October 1, 1925, the sum of one hundred and fifty-seven thousand nine hundred and eighty-eight dollars and forty-five cents (\$157,988.45); for the fiscal year beginning October 1, 1926, and every year thereafter the sum of one hundred and fifty-seven thousand nine hundred and eighty-eight dollars and forty-five cents (\$157,988.45).

Section 2: That said appropriation shall be paid upon requisition of the State Superintendent of Education upon the State Auditor, who shall issue his warrants upon the State Treasurer for the amounts for which requisitions are made.

Approved Sept. 29, 1923.

No. 521.)

AN ACT

(H. 778. Mrs. Wilkins.

To make an appropriation to the State Board of Education for executive, supervisory and clerical purposes in the administration of the State Department of Education.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated annually to the State Board of Education the sum of seventeen thousand five hundred dollars (\$17,500), or so much thereof as may be necessary for executive, supervisory and clerical purposes in the administration of the State Department of Education, including the expenses and compensation of the members of the State Board of Education in the discharge of their official duties.

Section 2. That the compensation of employes in the State Department of Education, whose salaries have heretofore been provided for in the Act making appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, shall be determined by the State Board of Education and paid from this appropriation upon requisition made by order by said Board.

Approved Sept. 29, 1923.

No. 522.)

(H. 857. Tunstall.

AN ACT

To regulate the sale at public auction of gold, silver, plated ware, precious stones, watches, clocks, jewelry, bric a brac, china, glassware, and to provide penalties for the violation thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any person, firm or corporation, to sell or dispose of or offer for sale, in the State of Alabama, at public auction, or to cause or permit to be sold, disposed of or offered for sale, in the State of Alabama, at public auction, any gold, or silver, or plated ware, or precious stones, or watches, or clocks, or jewelry, or bric a brac, or china or glassware, whether the same shall be their own property or whether they sell same at auction, as agent or employee of others; provided, however, that this section shall not apply to judicial sales or sales by executors or administrators nor to sales by or in behalf of licensed pawnbrokers of unredeemed pledges in manner provided by law, nor to sales at public auction of stock on hand of any person, firm or corporation that shall, for the period of one year next preceding such sale, shall have been continuously in business in the State of Alabama as a retail or wholesale merchant of gold or silver, or plated ware, or precious stones, or watches, or clocks, or jewelry, or bric a brac, or china, or glassware; provided further that such sale at public auction of the stock on hand of such merchant or merchants shall not be fed or replenished in anticipation of such auction sale, or pending or during such auction sale, and that said auction sale shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than thirty days within the period of one year.

Sec. 2. It shall be unlawful for any person, firm or corporation to sell or dispose of or offer for sale at public auction, between the hours of six o'clock in the evening and eight o'clock in the morning, any gold or silver or plated ware or precious stones or watches or clocks or jewelry, or bric a brac, or china, or glassware.

Sec. 3. It shall be unlawful for any person to act as by-bidder or what is commonly known as capper or booster at any such auction or place, or to offer or make any false bid to buy or pretend to buy any such article sold or offered for sale at any such auction sale.

Sec. 4. That any person, firm or corporation selling, disposing of or offering for sale at such public auction any such gold, or silver, or plated ware, or precious stones, or watches, or clocks, or jewelry, or bric a brac, or china, or glassware shall, in describing the same, be truthful with respect to the character,

quality kind and description of the same and which, for the purpose thereof, shall be considered as warranties.

Sec. 5. Any person, firm or corporation violating any of the provisions of this Act shall, upon conviction, be fined in a sum not exceeding five hundred dollars, to which may be added imprisonment for not exceeding ninety days.

Sec. 6. All laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Sec. 7. This Act shall become effective upon its passage and approval by the Governor.

Approved Oct. 1, 1923.

No. 523.)

AN ACT

(H. 481. Dowdle.

To authorize boards of revenue or courts of county commissioners to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Be it enacted by the Legislature of Alabama:

Section 1: That boards of revenue and courts of county commissioners of counties of Alabama are hereby authorized to make appropriations to county boards of education to be used in providing classrooms, laboratories, and shops for use in teaching vocational subjects, and for maintaining such vocational departments after they have been established; provided that such appropriations may only be made for use in any school or schools duly recognized by the State Board of Education as centers for vocational instruction of the Smith-Hughes type, and on account of which reimbursement is being made or is to be made during the next fiscal school year following the first payment of county funds appropriated for such purposes.

Section 2: That funds so appropriated shall be paid to the county treasurer of public school funds by the county treasurer on authorization of the court of county commissioners or board of revenue. The county treasurer of public school funds shall pay out such funds on authorization of the county board of education.

Approved Oct. 1, 1923.

No. 524.)

AN ACT

(H. 753. Mrs. Wilkins.

To amend Section 3 of Article 2, Section 2 of Article 3, Section 24 of Article 3, Section 5 of Article 8, Article 12 by adding Section 5½, Section 8 of Article 12, Section 5 of Article 15, Section 3 of Article 18, Section 3 of Article 20, Section 2 of Article 24, Section 7 of Article 24, Section 10 of Article 24, and Section 2 of Article 40 of an Act entitled "An Act to

provide a complete educational system for the State of Alabama," approved September 26, 1919.

Be it enacted by the Legislature of Alabama:

Section 1: That Section 3 of Article 2 of an Act entitled "An Act to provide a complete educational system for the State of Alabama," Approved September 26, 1919, be amended so as to read as follows: Educational matters affecting counties shall be under the control of the county board of education, and educational matters affecting cities and towns of 2,000 or more inhabitants, according to the last or any succeeding Federal Census, shall be under the control of the city board of education, except as otherwise provided by law. In counties now having more than five members of the Board of Revenue, who are elected from Revenue Districts, there shall be one member of the County Board of Education from each Board of Revenue District for such County, to be elected by the qualified voters of said District. In Revenue Districts now having no representation upon the County Board of Education, there shall be elected at the next general election held in this State a member of the County Board of Education to represent the Revenue District not now represented, who shall hold office for six years, and until their successors are elected and qualified. The Governor shall upon the approval of this Act, appoint a member of the County Board of Education for each Board of Revenue District in each County having more than five Revenue Districts, who shall hold office until their successors are elected and qualified. Provided however, that no member of the Board of Education be appointed before the next general election, except in districts having a municipality of five thousand or more within its borders, and no member of the Board now in office shall vacate his office until the time for which he was elected shall expire.

Section 2: That Section 2 of Article 3 of said Act be amended so as to read as follows: The State Board of Education shall hold a regular annual meeting at the office of the State Department of Education in Montgomery on the second Tuesday in June, at which meeting one of its members shall be elected vice-president. Such other meetings may be held as the duties of the Board and the needs of the schools may require. The rules generally adopted by deliberative bodies for their government shall be observed.

Section 3: That Section 24 of Article 3 of said Act be amended so as to read as follows: The State Board of Education shall have the authority to acquire, hold, lease, rent, sell and convey the title to real and personal property and to make such repairs and improvements in all property under its control as may be for the best interests of the schools, and to borrow

money for the use and benefit of the institutions under its control within the limitations of the income of said institutions for the current quadrennium.

Section 4: That Section 5 of Article 8 of said Act be amended so as to read as follows: The city board of education may appoint as its executive officer a superintendent of schools, who may also be secretary of the board of education. The superintendent of schools shall conduct all correspondence of the board, keep and preserve all of its records, receive all reports required by the board, and see that such reports are in proper form, complete and accurate. He shall attend all meetings of the board and of its committees, he shall have the right to advise on any motion under consideration, but shall have no vote. In case the secretary is absent, the board shall appoint some one to act for the time being. The city treasurer shall be custodian of the school funds of the city. He shall receive and hold all monies to which the board of education is entitled by law or which may come into its possession, keeping same separate and apart from all other funds. He shall pay out such monies only on the written order of the superintendent of schools and shall keep such records and accounts of its funds as shall be required. Before assuming any of the duties of the office, the city superintendent of schools must take the oath of office prescribed by the constitution and give bond in an amount to be fixed by the State Board of Education in a reputable surety company authorized to do business in Alabama conditioned upon the faithful performance of the duties of his office and upon the accounting and paying over to the proper authority of all monies coming into his hands. A certified copy of the bond of the city superintendent and of the city treasurer shall be placed on file in the office of the State Department of Education.

Section 5: That Article 12 of the said Act be amended by adding Section 51½ which shall read as follows: That when it shall seem desirable to consolidate with a city school district of two thousand or more inhabitants according to the last or any succeeding Federal census a school district or territory adjacent to such district, the county board of education and the city board of education may concurrently request the court of county commissioners or other governing body to call an election in the city school district and in the adjacent school district or territory, as agreed upon between the county board of education and the city board of education; and the court of county commissioners or other governing body shall call said elections at the time requested, the same to be held and the results declared under the regulations prescribed in Section 5 of this Article for the enlargement and consolidation of rural districts which may or may not be levying the special school tax.

Section 6: That Section 8 of Article 12 of said Act be amended so as to read as follows: Whenever such a levy as is provided for in this Article is made it shall be the duty of the tax collector within and for that county to collect such tax in the same manner and under the same requirements and laws as the taxes of the State are collected, and he shall keep said amount separate and apart from all other funds, and keep a clear and distinct account thereof, showing what amount is paid, and turn the same over to the county treasurer of school funds, whose duty it shall be to receipt therefor, and pay out the same on monthly pay rolls and other prescribed forms, with the authority and approval of the county board of education; provided that the funds arising from levying the special tax for school purposes in any school district under the jurisdiction of the county board of education shall be used for the exclusive benefit of the public schools of such district; and in the case of cities and towns under independent boards said county tax collector shall collect said taxes and pay over the same to the treasurer of said city or town to be used for the exclusive benefit of the schools thereof in accordance with the law; provided further that in the event an incorporated city or town located in a special school tax district composing said town and territory contiguous thereto should attain a population of two thousand (2,000) or more as evidenced by a Federal Census, then the government and control of the schools of said city shall be under the city board of education, and the government and control of the schools in the contiguous territory outside of the city shall continue under the county board of education; provided, that the tax collected in the city shall be paid over to the city treasurer as provided by law for the exclusive use of the schools of said city and the tax collected in the contiguous territory shall be paid over to the county treasurer of school funds for the benefit of the schools in such contiguous territory; and provided further, that in the event the special school tax proceeds have been pledged for the retirement of interest bearing warrants, issued in accordance with section seven of this article, so much of the tax collected in the original special school tax district as may be required for the retirement of such outstanding warrants, including the interest thereon, shall be paid over to the proper officer to be used for the retirement of such outstanding warrants.

Section 7: That Section 5 of Article 15 of said Act be amended so as to read as follows: The county board of education shall arrange the county exclusive of cities into one or more attendance districts, and said board shall appoint an attendance officer for every district created, who shall hold his office at the will of the county board of education, and the board

of education of each city of two thousand (2,000) or more inhabitants, according to the last or any succeeding Federal census, shall appoint one or more attendance officers to serve at the pleasure of the appointing board, provided that this article shall be so interpreted as to make it possible for city and county boards of education, boards of revenue and courts of county commissioners to jointly employ any person or persons to carry out the provisions of this article and such additional duties as may be assigned them by such boards or governing bodies.

Section 8: That Section 3 of Article 18 of said Act as amended by an Act entitled "An Act to amend Section 3 of Article 18 of the School Code, Act approved September 26, 1919," approved October 6, 1920, be amended to read as follows: Three or more citizens of any rural community or of any incorporated town in this State under the control of the county board of education, where it is proposed to erect a school building according to plans furnished by the State Department of Education or to repair or to equip a school building according to plans approved by the State Department of Education shall be eligible to make application to the county board of education for aid subject to the following conditions: The application shall show that bona fide donations of at least twice the amount for which aid is asked have already been secured, and shall also contain a description of the plot of land upon which the public school building for which aid is sought is located or is to be erected; provided nothing in this article shall prevent the granting of aid for the erection, repair and equipment of rural school buildings on property already owned by the State; provided further that county high schools shall be eligible for aid for repairs and equipment under the provisions of this article. The maximum amount for which application is made for the erection of a school building shall not exceed four hundred fifty dollars for a school building with one class room, nine hundred dollars for a school building with two class rooms, thirteen hundred dollars for a school building with three class rooms, eighteen hundred dollars for a school building with four class rooms, twenty-three hundred dollars for a school building with five class rooms and four hundred fifty dollars additional for each additional standard class room for buildings with more than five and not exceeding eight rooms; provided that in making additions to buildings the sum of four hundred dollars will be granted for the first room, three hundred dollars for the second room and two hundred dollars for the third room added. In the granting of aid in the erection of buildings under provisions of this section, the class rooms shall not be interpreted to include auditorium or work room but additional aid in the sum of seven hundred fifty dollars over and above the maximum

amount specified for each type of building enumerated above, shall be available under the same conditions for the erection of an auditorium, and four hundred dollars under like conditions shall be available for the erection of one work room of standard size. The maximum amount for which application is made for the repair, not including the erection of new rooms, or for the equipment of a school building shall not exceed five hundred dollars, provided that no application for repair or for equipment for less than fifty dollars shall be considered. It shall be stipulated in each application for State aid on the erection of new buildings that separate toilets for boys and girls, to conform to standards set up by the State Board of Education in cooperation with the State Board of Health, will be erected. Provided aid in the repair and equipment of county high school buildings, as set forth in this Act, shall not be available until the State appropriation for the erection, repair and equipment of rural school buildings shall be more than five thousand dollars for each county. Provided further, that in construing this section as amended the word school building shall be interpreted to include teachers' homes, and that county boards of education may, at their discretion, use part of the rural school house funds belonging to their counties in erecting and repairing teachers' homes on the same conditions that aid is granted by this section in erecting and repairing school buildings. The maximum amount for which application is made in the erection of a teachers' home cannot exceed six hundred dollars (\$600.00) for a home of five (5) rooms, seven hundred dollars (\$700.00) for a home of six (6) rooms, eight hundred dollars (\$800.00) for a home of seven (7) rooms and nine hundred dollars (\$900.00) for a home of (8) eight rooms. The maximum amount for which application is made in the repair of a teacher's home shall not exceed five hundred dollars (\$500.00) provided that no application in the repair of a teacher's home of less than fifty dollars (\$50.00) shall be considered. In the granting of aid in the erection of a teacher's home under the provisions of this section the word "room" shall not be interpreted to include pantries or closets. When aid is granted in the erection of a teacher's home it shall be on plans prepared by the State Department of Education, and when aid is granted in the repairing of a teacher's home it shall be on plans approved by the State Department of Education.

Section 9: That Section 3 of Article 20 of said Act be amended so as to read as follows: In order to obtain the benefits of the provisions of this Article the patrons or friends of the school shall first raise the sum of not less than ten (\$10.00) dollars and deposit the said amount with the county superintendent of education. The county superintendent shall within

ten days certify to the commissioners' court, board of revenue or board of education the fact of the said deposit, requesting action therein. Thereupon the said court or board shall at once, or at the first term of meeting following the receipt of the notice, consider making an appropriation of not less than ten (\$10.00) dollars. If the appropriation shall be made, the probate judge or other presiding officer of the court or board shall on the same date certify the fact to the county superintendent, who shall immediately thereafter, transmit notice of the same to the State superintendent of education. On receipt of notice that an amount of not less than twenty (\$20.00) dollars has been made available as provided in this section, the State superintendent of education shall make requisition upon the State auditor for the sum of ten (\$10.00) dollars in order to meet such donations and appropriations. The said warrant shall be drawn in favor of the county treasurer of school funds, to whom shall also be at once paid over by the county superintendent of education the amount first collected by voluntary subscription, and the sum appropriated by the commissioners' court, board of revenue or board of education. The county treasurer of school funds shall keep a separate account of said sums so received; and they shall be paid out by him as hereinafter directed. In the event either or both the county board of education or the county board of revenue or court of county commissioners fail or decline to match funds raised locally, the treasurer of school funds is authorized to accept additional local funds to meet the requirements for State aid. On February 1 of each year, the unexpended balances of the State appropriation remaining to the credit of each county, shall be consolidated into a common fund available for use by any or all county boards of education in the purchase of libraries under the regulations set out in this article for State aid; provided that applications shall be approved in the order in which said applications are filed in the prescribed form with the State Department of Education.

Section 10: That Section 2 of Article 24 of said Act be amended so as to read as follows: As a condition for making application for the location of a county high school there shall be tendered to the State a suitable site which shall consist of not less than five (5) acres of land, the title to the surface of which shall be in fee (but the land need not include mineral rights) and there shall be executed an agreement to erect thereon a building suitable for high school purposes in accordance with plans and specifications approved by the State Board of Education, together with all necessary equipment. The cost of said building and equipment shall not be less than twenty thousand (\$20,000) dollars. Upon the satisfactory erection and equip-

ment of the building, and the execution of a deed conveying to the State of Alabama said land, building and equipment, there shall be available for such county high school from the State Treasury a sum of three thousand (\$3,000) dollars for each fiscal year.

Section 11: That Section 7 of Article 24 of said Act be amended so as to read as follows: A matriculation fee of two and one-half (\$2.50) dollars may be collected for each term from each pupil entering said high school, and the proceeds of said fees shall be used under the direction of the county board of education to meet the incidental expenses of the schools, but shall not be used to pay salaries other than for janitor services. The State board of education shall also have the power to require a reasonable fee for library and laboratory and shop work.

Section 12: That Section 10 of Article 24 of said Act be amended so as to read as follows: The cities and towns of the State are authorized and empowered to convey real or personal property belonging to such cities or towns to the State, or to such board, officer or agency of the State as may be designated by law to acquire and hold property for educational purposes; and the cities and towns of the State are also authorized and empowered to make appropriations from their funds, except special funds pledged for other purposes, to erect, equip and repair or to aid in the erection, equipment, repair and maintenance of county high schools located or to be located within the corporate limits of such cities and towns; and such cities and towns may appropriate for such purposes funds derived from the sale of bonds issued as now or hereafter provided by law for the erection and maintenance of public school buildings.

Section 13: That Section 2 of Article 40 of said Act be amended so as to read as follows: The State Superintendent of Education is authorized and empowered, subject to the approval of the Governor, to sell and dispose of any of the school lands or the timber thereon, and also to grant easements and rights-of-way through such lands.

Section 14: That if any provision or provisions of this Act shall be held by the Supreme Court of the State to be unconstitutional, such holding shall not affect any other provision of this Act.

Section 17: That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 526.)

AN ACT

(H. 296. Grove.

To provide for the Establishment of Titles to Real Estate by a Proceeding in rem.

Be it enacted by the Legislature of Alabama:

1. That when any person, natural or artificial, claims, either in his own right or in any representative capacity whatsoever, to own any lands or any interest therein, and — (a) is in the actual, peaceable possession of such land, or — (b) if neither he nor any other person is in the actual possession of such lands, and he holds and has held color of title to the lands, or interest so claimed, for a period of ten or more consecutive years next preceding, and has paid taxes on such lands or interest during the whole of such period — (c) or if he, together with those through whom he claims, have held color of title, and paid taxes on the lands or interest so claimed during the whole of such period of time, — (d) or if he, or he and those through whom he claims, have paid taxes during the whole of such period of ten years, on the lands or interest claimed, and no other person has paid taxes thereon during any part of said period, he may if no suit is pending to test his title to, interest in, or his right to the possession of such lands, file a verified bill of complaint in the Circuit Court of the County in which such lands lie, against said lands and any and all persons claiming any title to, interest in, lien of encumbrance on said lands, or any part thereof, to establish the right or title to such lands or interest, and to clear up all doubts or disputes concerning the same.

2. That such bill must describe with certainty the lands in controversy, and state specifically what claim, title, or interest in or to said lands complainant claims to have, and from whom and how such interest or title so claimed in or to said lands was obtained. It shall also state in whose name the title to said lands, or the interest therein claimed by complainant stands upon the records of the Probate Court of the County where the lands are situated, and who, if any one has at any time within ten years, next preceding the filing of said bill of complaint, paid any taxes upon said lands, or any interest thereon, or who is known to complainant to have had any possession of any part of said lands, and who, if anyone, is known to complainant to claim said lands or any part thereof, or any interest therein, and shall give the residence and address of such person or persons, if known. If they, or any of them, be dead, and that be known to complainant, that fact must be stated in the bill of complaint, together with the names and addresses of the heirs and devisees of such deceased, persons, if known. If any of said matters are not known to complainant, that fact must be alleged in the bill of complaint, and it must also be shown that complainant exercised diligence to ascertain the facts with regard thereto, and the facts showing just what diligence the complainant has exercised must be specifically alleged in the bill. If any of the said parties whose names are known reside in the

State of Alabama, a copy of the notice hereinafter provided for must be served upon them, in the same manner that process is served on defendants in suits in equity. If any of the said parties reside out of the State, and their addresses be known, a copy of said notice shall be sent by the Register of the Court in which the proceeding is pending, to such parties by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of the court in which the proceeding is pending.

3. That notice of the pendency of said bill of complaint shall be drawn and signed by the Register of the court in which the proceeding is pending, and the Register shall have such notice published once a week for four consecutive weeks, in some newspaper having general circulation and published in the County where said lands lie, or if no such newspaper be published in said County, then in such a newspaper published in an adjoining County in which such a newspaper is published; if no such newspaper is published in such adjoining County, then in such a newspaper published in the County nearest to the County where said lands lie, where such a newspaper is published, and each Circuit Court in the State must prescribe, by a rule of the court or by a separate order made in each cause, in what newspaper such publications may be made. A copy of the said notice, certified by the Register as being correct, shall also be recorded as a *lis pendens* in the office of Probate Judge of the County where said lands lie. All of said notices shall show by what title complainant claims said lands, or any interest therein, and in whose name the title to said lands or the interest therein, sought to be established stands on the records of the Probate Court of the County where the lands lie, and who if any one, is known to have paid taxes upon said property, or to have been in possession of said lands, or of any part of said lands, within ten years next prior to the filing of the bill of complaint. Said cause shall be at issue at the expiration of sixty days from the first publication of said notice and the filing of a certified copy of said notice in the Probate Court in the County where the lands lie.

4. That against all persons (other than minors, lunatics, and those whose right of possession is postponed until the happening of some future event) who have neither paid any taxes upon said lands nor had any possession thereof, or of any part thereof, during the ten years next preceding the filing of the bill of complaint, and against all persons not intervening in said cause and claiming any interest in said lands, color of title to said lands and payment of taxes by complainant, or those under whom he claims, for ten consecutive years next preceding the

filing of the bill of complaint, shall be prima facie evidence of title to said lands in complainant; proof of such color of title and payment of taxes for twenty years next preceding the filing of the bill of complaint, shall be conclusive evidence of titles against all persons other than minors, lunatics and those whose rights of possession have been postponed until the happening of some future event, and other than persons who have paid taxes upon said lands, or upon a part thereof, within such period of twenty years next preceding the filing of the bill of complainant.

5. That the allegations of the bill of complaint shall not be taken as confessed for the failure of any person to plead to the bill of complaint, and in all cases the interest or title sought to be established in or to the lands must be shown by legal evidence. Should any person other than complainant claim title to said lands, or any interest therein, such title or interest may be presented by a cross-bill, which must in all respects comply with the provisions of this act, applicable to original bills of complaint for establishing titles.

6. That if upon the hearing of said cause the title to the property, or any part of the property, described in the bill of complaint, or any interest claimed by complainant or cross-complainant in said property or any part thereof, be duly proven, the court shall decree the title to such property, or to the interest therein claimed in the bill of complaint to be in complainant or cross-complainant, or partly in one and partly in the other, specifying the part in or to which each has title or interest. The court shall in the decree order that a certified copy thereof be recorded in the office of the Judge of Probate for the County in which the lands lie, and in the decree direct in whose names it shall be indexed on the direct index, and in whose names it shall be indexed on the indirect index of the record thereof. The Register shall, within thirty days from the rendition of the decree, file a certified copy thereof in the office of the Judge of Probate for record, and tax the expense thereof as part of the cost of the case. The Judge of Probate shall record such copy in the same book and manner in which deeds are recorded, and index the same as in said decree ordered or directed. Said decree shall be binding upon all persons except as is hereinafter provided.

7. That any person may, during the pendency of said proceedings, and within six months after the rendition of original final decree therein, intervene in said cause and file a cross-bill therein, and propound his title to the property described in the bill of complaint, or to the interest therein sought to be established; provided that if more than two months has expired since the filing of the original bill of complaint, no person shall have

the right to intervene who had knowledge of the published notice of said proceedings, or who had been otherwise informed of the pendency of the proceedings, and what property, or interest therein was involved in such proceedings more than thirty days prior to the filing of said petition of intervention.

8. That in case of an intervention, testimony taken in the cause prior to such intervention may be used at any subsequent hearing of said cause.

9. That any decree previously made in said cause, upon any intervention provided for in the 7th section of this Act may be confirmed, altered, or amended, or another decree may be rendered in lieu thereof; that the last decree in said cause shall be final, and binding upon all persons after the expiration of six months from the rendition of the first final decree in said cause; subject, however, to any appeal therefrom under the laws of Alabama providing for such appeals.

10. That when title or interest is established in anyone, under the provisions of this Act, it shall enure to the benefit of all persons who derive title to said lands, or any interest, from or through the person in whose favor such title or interest is so established, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person so procuring or deriving title.

11. The remedy and procedure herein mentioned shall be cumulative and not exclusive of any other proceedings to quiet title to real property.

12. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved Oct. 1, 1923.

No. 527.)

(H. 375. Byars.

AN ACT

To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

Be it enacted by the Legislature of Alabama:

Section 1. That property, money or other thing of value may be donated for the benefit of the elementary schools or an elementary school of this state to be held in trust and administered for the use of such schools or school.

Section 2. Whenever any property, money or thing of value is donated to be used for the benefit of the elementary schools or an elementary school of this state, the State Board of Education shall have power to administer such trust as it deems to be the best interest of the schools or school for the benefit of which the donation or gift is made. The Board of Education is given

complete control of such property and may sell, lease or otherwise dispose of the property as it deems to the best interest of the schools or school for the benefit of which such property is donated; or the Board of Education may convert the same into securities for handling the property or proceeds therefrom as in its discretion will best promote the purposes of the trust.

Section 3. The State Board of Education may accept the administration of property, money or other thing of value donated in trust for the benefit of an elementary school or the elementary schools of the State upon such conditions as may be acceptable to the donor and the State Board of Education, provided, however, that no undertaking entered into by the State Board of Education with such donor shall bind the State to pay any public monies to any one. Nothing hereunder shall prevent the State Board of Education from undertaking payments to persons out of the proceeds derived from such trust funds as a condition to the acceptance of a donation for the benefit of such school or schools.

Approved Oct. 1, 1923.

No. 528.)

(H. 142. Powell.

AN ACT

To regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the Court of County Commissioners, or Board of Revenue, as the case may be, to supervise the feeding of all prisoners in the County Jails over which they have jurisdiction.

Section 2. That it shall be the duty of the Sheriff of the County, except as otherwise provided by existing laws, in person or by his deputy or jailor, to feed the prisoners in the Jail under his jurisdiction in accordance with the terms of this Act.

Section 3. That food for prisoners in the Jails except as otherwise provided by existing laws shall be paid for by the State according to the following scale: When the number of prisoners does not exceed ten, for each prisoner, sixty cents per day, or such part thereof as may be necessary, when the number of prisoners exceeds ten and does not exceed twenty, fifty cents per day for each prisoner, or such part thereof as may be necessary; when the number of prisoners exceeds twenty, but does not exceed forty, forty cents per day for each prisoner, or such part thereof as may be necessary; when the number of prisoners exceeds forty, thirty cents per day for each prisoner, or such part thereof as may be necessary.

"Section 4. That there shall be allowed the sheriff for preparing and serving food the additional amount of twenty-five

cents a day per capita for each prisoner up to and including five; twenty cents a day per capita for each prisoner in excess of five up to and including ten; and five cents a day per capita for each prisoner in excess of ten up to and including eighty-five, but there shall be no further allowance for any number of prisoners in excess of eighty-five. Provided, that the minimum allowance to the sheriffs under this section shall be not less than a dollar a day."

Section 5. That the Sheriffs who are on a salary basis by virtue of an amendment to the Constitution of Alabama shall not receive the allowance as provided for in this Act for the feeding of prisoners, and preparing and serving such food, but such allowance as provided herein shall be paid into the County Treasury.

Section 6. On or before the tenth day of each and every month the Sheriff of each County shall furnish to the Court of County Commissioners, or Board of Revenue, as the case may be, to the State Auditor, and to the State Prison Inspector, an itemized statement in detail, verified by affidavit, giving a list of all State and County prisoners by name, race, and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date committed, date sentenced, date discharged, the number of days in jail. "The sheriff shall set out the amount of money actually expended for purchasing and supplying of all foodstuffs for feeding prisoners during the month immediately preceding."

Section 7. That upon the receipt of said statement from the Sheriff, it shall be the duty of the State Auditor to examine the said statement thoroughly and carefully, and if the total expenditure for feeding State and County prisoners as contained therein does not exceed the amount allowed for feeding each State and County prisoner confined in said jail, as provided in Section 3 of this Act, he shall draw a warrant upon the State Treasurer in favor of said Sheriff for the amount so expended for feeding said prisoners. But if the Sheriff is on a salary basis, as provided for under an amendment to the Constitution of Alabama, then in that event the State Auditor shall draw a warrant on the State Treasurer in favor of such County for the amount so expended. But if the said statement shows that the amount for feeding each State and County prisoner in said Jail is in excess of the allowance as provided for in section 3 hereof, then the State Auditor shall draw his warrant on the State Treasurer only for such an amount as will cover the expenditure for feeding said State and County prisoners per day as provided for in Section 3 hereof. The State Auditor shall also draw a warrant on the State Treasurer in favor of the Sheriff to cover the allowance to Sheriffs for preparing and serving food to prisoners as provided for in Section 4 hereof. But if the Sheriff

is on a salary basis as provided for under an amendment to the Constitution of Alabama, then in that event the State Auditor shall draw a warrant on the State Treasurer in favor of such county for such allowance for preparing and serving food to prisoners.

Section 8. That all records shall be kept and statements made on forms prescribed and furnished by the State Prison Inspector and the State Auditor. It shall be the duty of the State Prison Inspector, and he is hereby given the power and authority to supervise, either in person or by deputy, the feeding of all prisoners in the jails of this State, and make and promulgate such rules and regulations, not inconsistent with law, for feeding, preparation and character of the food for all such prisoners. The sheriff shall not be required to prepare and make out what is commonly known as the Daily Ration Sheet or the Daily Expense Account.

"Section 9. That each Sheriff shall keep a record setting out the different kinds of food served daily in the jail, said record to be tabulated at least once a month, showing the amount of each article of foodstuff with cost of same served, and the number of prisoners fed, during the month immediately preceding, and file a copy of the same between the first and tenth day of each month for the next preceding month with the State Prison Inspector and with the Court of County Commissioners or Board of Revenue. The sheriff shall keep on file invoices and supporting papers of all foodstuffs purchased or provided showing the date and amount of such purchases and the cost of same."

Section 10. Nothing in this Act shall be construed to prohibit any Sheriff from using from his own farm, garden, store or household the foodstuffs used in feeding prisoners and charging therefor a legitimate and fair market price.

Section 11. That any member of a Court of County Commissioners or Board of Revenue, Sheriff or Deputy, who violates any of the provisions of this Act, for which no specific penalty is provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Section 12. That all laws and parts of laws, general and local, in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall be construed or considered as repealing or affecting Sections 6586 and 7197 of the Criminal Code of Alabama, which sections shall remain in full force and effect.

Section 13. That the provisions of this Act shall go into effect on the first day of November 1923.

Section 14. That if any section or provision of this Act shall be held unconstitutional it shall not affect any other section or provision of this Act.

Approved Sept. 29, 1923.

No. 529.)

(H. 639. Lewis Bowen.

AN ACT

To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and play ground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

Be it enacted by the Legislature of Alabama:

Section 1. That this Act shall apply to all cities of the State of Alabama now or hereafter having a population of one hundred thousand or more, according to the last or any subsequent Federal census. The term "such city" as used in this Act refers to and means all and only those cities of the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census.

Section 2. That any such city in the State of Alabama may use for parks, playgrounds, recreational centers and other recreational purposes and activities, any public parks or park areas of such city, or any lands or buildings or both owned or leased by such city; and any such city may, by and through its park and recreation board, in such manner as may now or hereafter be authorized or provided by law by the acquisition of lands or buildings for public purposes by such city, acquire or lease lands or buildings or both within or beyond the corporate limits of such city for parks, park areas, park boulevards, playgrounds, recreational centers, and other recreational purposes and activities, and when acquired for any such purposes such city shall have full police jurisdiction thereof, whether within or beyond the corporate limits of such city, and such police jurisdiction shall also extend over any highway or highways connecting any such lands or places with such city, except as to such parts thereof as may lie within the corporate limits of some other municipality. Any such city may, by and through its park and recreation board, establish, provide, conduct, develop, equip, improve and maintain parks, park areas, park boulevards, playgrounds, recreation centers, and other recreational activities and facilities, and for any or all such purposes or in con-

nection therewith, by and through its park and recreation board, may employ engineers, architects, landscape artists, playground directors, play leaders, supervisors, recreation superintendents, or such other officers or employees as may be deemed necessary. Reasonable fees or charges for access to or use or enjoyment of any playgrounds, recreation centers, recreational activities, or other places of recreation so established, maintained, or conducted by any such city may be charged and collected, all funds received from such sources to be paid into and become a part of the park and recreation fund of such city.

Section 3. That any such city may, by and through its park and recreation board, accept any grant or devise of real estate or any gift or bequest of money or other property, or loan of personal property, or any donation to be applied, principal or income, or both, for either temporary or permanent use for parks, playgrounds, or other recreational purposes, and if any such gift, bequest, devise or donation or loan be conditional, the proper authorities of such city shall have authority to accept the same upon the conditions attached, and to comply with such conditions, if in the judgment of such authorities such condition or conditions be reasonable, and to the best interests of such city. Money received in any such manner unless otherwise provided by the terms of the gift or bequest, shall accrue to and become a part of the park and recreation fund of such city.

Section 4. For any or all of the purposes mentioned in this Act, any such city upon the recommendation of the park and recreation board may purchase on time or partly for cash with balance on time or deferred payments, or otherwise acquire any real property or interest in real property, within or without the limits of such city, securing the note or notes, claim or claims for deferred payments and interest thereon, with mortgages or deed of trust on the land purchased, or with or by means of an instrument in writing retaining title thereto in the vendor, or enter into any other contractual arrangement whereby provision is made that such note or notes, claim or claims, or other instruments for deferred payments and interest thereon, and all lawful charges, shall not be a charge or charges against the general credit of the city or be a general liability thereof, but that the liability shall only extend to and be a charge against the land so purchased or acquired. Such method of acquisition provided for in this section shall not be considered or deemed exclusive, but cumulative and in addition to all other methods of acquisition of lands or interests therein for public purposes heretofore, hereafter or by other provisions in this Act provided.

Section 5. Any such city may, by and through its park and recreation board, join or co-operate with one or more other municipalities having like powers, or with boards of education,

in providing, establishing and conducting parks, playgrounds, recreation centers, and other recreation facilities and activities.

Section 6. That there shall be within sixty days from the approval of this Act, in all cities now having a population of one hundred thousand or more according to the last Federal census, established and constituted in accordance with the terms of this section, a permanent "park and recreation board" for such city, and within sixty days after any other city reaches the class described in Section 1 of this Act and which is not now within said class, there shall be established and constituted in accordance with the terms of this section a park and recreation board for such city. The planning of a park system, administration, improvement, development, conduct and supervision of the parks, park areas, park boulevards, playgrounds, recreational centers and other recreational activities of each such city shall be vested in the park and recreation board of such city, which shall be composed of five members, who shall be residents of such city, and four of whom shall not be members of the city council or commission or other governing body of the city. The members of said board shall serve without compensation and shall be chosen solely because of their character and fitness. One member of the governing body of any such city selected by the governing body of such city shall at all times be a member of said park and recreation board, provided that if there be in such city a member of the governing body whose department of the city government has the supervision of the parks of the city, such member shall by virtue of his office be a member of the park and recreation board. Each of the other four members of the park and recreation board first selected shall be chosen by the governing body of such city. The term of office of each member of said board other than the one who is a member thereof by virtue of his membership in the governing body of said city shall be four years, except that the members of such board first chosen by the governing body of such city shall be appointed for such terms as that the term of one member shall expire annually after the date of appointment, and the governing body of the city shall, in making such appointment, designate the term for which each such member of said board is appointed, and which shall be shown in the minutes of the meeting at which the appointments are made. Thereafter as vacancies occur in the membership of said board by reason of the expiration of the terms of either of said four members, or for any other reason, such vacancies shall be filled by nominations upon a majority vote of the governing body of such cities, which nomination shall be certified to the park and recreation board and the remaining members of the park and recreation board shall, by majority vote of such board within ten days of the receipt of the certifica-

tion of nomination, appoint or decline to appoint the nominee of the governing body of such city to fill the vacancy in the park and recreation board which will exist by reason of the expiring term or otherwise. If the park and recreation board of the city declines to appoint the nominee of the governing body of such city it shall forthwith certify or cause to be certified to the governing body of such city such fact, and the governing body of such city forthwith in like manner shall make and certify another nomination to the park and recreation board of such city, and in like manner shall continue to make and certify a nomination to the park and recreation board of such city until the park and recreation board of the city appoint a nominee of the governing body of the city to fill the vacancy, and it shall be the duty of the park and recreation board to act promptly on each nomination of the governing body of the city and appoint or refuse to appoint the nominee as a member of the park and recreation board, and each time the park and recreation board refuses to appoint a nominee of the governing body of the city as a member of the park and recreation board, that fact must be certified to the governing body as required in the first instance.

Section 7. The members of the park and recreation board, when such board is constituted in accordance with Section 6 of this Act, shall immediately meet and organize by electing one of the members thereof as president and such other officers as may be necessary. The governing body of any such city may, in addition to the powers directly vested in such board by this Act, confer upon and delegate to the park and recreation board of such city, when established and constituted, any other power or authority conferred upon such city by the terms of this Act or conferred upon such city by any other provision of law, with respect to or in connection with the establishment, conduct, development, improvement, equipment, and maintenance of parks, park areas, park boulevards, playgrounds, recreational centers, and recreational activities, as fully and completely as any or all such powers may be constitutionally delegated to such board. The members of the park and recreation board of any such city may be impeached and removed from office upon the same grounds and in the same manner as is or may be provided by law for the impeachment or removal from office of the members of the governing body of such city. No member of the park and recreation board of any such city, and no person who has been a member of such board within six months from the time of making of any contract in behalf of the city by or through the agency of such board, shall be directly or indirectly pecuniarily interested in any contract or in the profits of any contract made through the agency of such board; and any and

all contracts made in violation of this provision are and shall be held to be against public policy and void, except that such contract may be enforced by the city, and no such contract at the instance of the contractor or person or corporation claiming under or through the contractor, shall be enforced by any court, nor shall any contractor or person or corporation claiming under or through such contractor recover on a quantum meruit for any work or labor done, or material or supplies furnished when the work or labor done or material furnished was done or furnished under a contract which is void under the provisions hereof; and the city may sue for and recover all money paid under any contract which is void under the provisions hereof without abatement on account of any work or labor done or material furnished under the contract. No member of the park and recreation board of any such city, and no person who has been a member of said board within six months from the time of making of the sale, shall be directly or indirectly pecuniarily interested in the sale of any material or supplies of any kind or character for construction, betterment, or improvements in developing, beautifying or otherwise improving any park or other property by and through the agency of such board, or in the sale of any material or supplies to any contractor or subcontractor to be used on or in furtherance of work let by or through the agency of the park and recreation board, and no suit can or shall be maintained in any court by the seller or person or corporation claiming under or through the seller for the purchase price or value of material or supplies sold in violation of the provisions hereof, and the city may sue for and recover from the seller the amount of all money paid to the seller for material and supplies sold in violation of the provisions hereof, and no person who has been a member of the said board within six months from the time of the making of the sale or purchase shall be directly or indirectly pecuniarily interested in the sale to or purchase from the city by or through the agency or instance of said board of any land or interest in land, and any sale to or by the city made in violation of this provision shall, at the instance of the city, be held to be against public policy and void, and may be rescinded by the city. Provided however, that if any member of the park and recreation board is a stockholder in a corporation owning land or interest in land desired by the city for park and recreation purposes, or is the owner of an undivided interest in the land desired for such purposes, or if any member of the board is a stockholder in a corporation desiring to purchase land proposed to be sold by the city at the instance of the park and recreation board, such member may, in open meeting of the board, disclose his interest, which shall appear on the minutes of the meeting, and retire from the meeting

of the board, and the other members of the board, if a quorum remains, may consider the matter and decide the same as they deem best; and any such sale shall be legal and valid. Provided further, that if any member of the park and recreation board is the owner of land which it is desired to acquire for the city for any such purpose, the same if acquired shall be acquired by the exercise of the right of eminent domain, and the petition or proceeding for condemnation shall set forth the facts in regard to the ownership by a member of said board.

Section 8. If, in the opinion of the park and recreation board of any such city, the funds available for such purposes be inadequate to provide ample, appropriate and suitable grounds, buildings and equipment for all the needed parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers and other recreational facilities and activities of such city, the park and recreation board may petition the governing body of such city to call an election for the issuance of bonds on the credit of the city in an amount sufficient to provide the necessities of such city in these respects, subject to the limitations set out in the Constitution of the State, and the governing body of such city shall call or cause to be called the election at the time requested in said petition.

Section 9. The governing body of each such city shall cause to be set aside and kept and maintained a park and recreation fund, and cause to be kept an account of all receipts for and disbursements of such fund. Each year during which there is not levied and collected for such city a special tax to be devoted to park purposes, the governing body of each such city shall appropriate and cause to be paid into and credited to the park and recreation fund, a minimum amount of Fifty Thousand Dollars, which appropriation shall be made at such time as appropriations are made for other departments of the city. The governing body of the city may from time to time make additional appropriations to the park and recreation fund and cause the same to be paid into or credited to said fund. The proceeds from sale of all bonds issued by any such city for park purposes shall be paid into and credited to the park and recreation fund. The park and recreation fund of each such city shall be kept with the funds of such city in such depository to the credit of the city as the governing body of the city may direct, and all payments and disbursements from this fund as and when made shall be validated by the counter-signature of the officer or person designated by the governing body of such city to countersign or validate checks drawn for other municipal purposes. The park and recreation board of any such city shall have no power or authority in behalf of or in the name of the city to contract any debts or obligations in any year in excess of

the amount paid into or appropriated for the park and recreation fund during such year, and no debts or obligations contracted by such board in violation of this provision shall be or shall be held to be a personal or general obligation of the city, nor shall the general credit of the city be pledged for the purchase or acquisition of lands or buildings unless the same be authorized by a resolution of the governing body of such city. The limitations contained in this section shall be applicable to each and every power conferred by any provision of this Act upon the park and recreation board of any such city.

Section 10. That the establishment, conduct, equipment and maintenance of parks, playgrounds, recreational centers and recreational activities, by any such city shall each and all be public and governmental functions of such city.

Section 11. That if any part or provision of this Act is declared unconstitutional or inoperative by the courts, this shall only affect such part or provision, the remainder of the Act continuing in full force and effect.

Section 12. All laws and parts of laws, general, special and local, in conflict with any of the provisions of this Act, shall be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 530.)

(S. 315. Oliver.

AN ACT

To amend section 1941 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1941 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919, be and the same is hereby amended to read as follows: 1941. Appropriations for each pupil, or the maintenance and support of the Alabama School for the Deaf the sum of three hundred twenty (\$320) dollars per pupil is hereby annually appropriated out of any money in the treasury not otherwise appropriated, such appropriation to be based upon the number of pupils enrolled upon the first day of January of each year, and to be drawn quarterly in advance by the Treasurer of the board, and disbursed as directed by the board.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Sept. 28, 1923.

No. 531.)

(S. 312. Oliver.

AN ACT

To amend Section 1935 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1935 of the Code of Alabama of 1907 be amended so as to read as follows: 1935. (3700) (1088) (1313) (1027) Twelve trustees appointed by the Governor; board of trustees.—Such Board of trustees shall consist of the Governor, the Superintendent of Education, and twelve other persons, who shall be appointed by the Governor and confirmed by the Senate at the meeting of the Legislature next following such appointment, and if any appointment by the Governor is rejected by the Senate, the Governor must again appoint until the full number of appointments at such time is complete; and in case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the Governor may fill the vacancy by appointment, which shall be good until the next meeting of the Legislature, and until his successor is duly appointed and confirmed. Each trustee shall hold office for a term of six years. The board shall consist of three members from the congressional district in which the school is located, and one from each of the other congressional districts in the State. The three members from the district in which the school is located shall be appointed from Talladega County. The board shall be divided into three classes. The members from the first, second, third, and one member from the fourth district, shall compose the first class. The members from the fifth, sixth, tenth, and one member from the fourth district, shall compose the second class. The members from the seventh, eighth, ninth, and one member from the fourth district, shall compose the third class. Successors to those trustees whose terms expire in 1908 shall hold office until 1914; successors to those trustees whose terms expire in 1910 shall hold office until 1916; successors to those trustees whose terms expire in 1912 shall hold office until 1918; and thereafter their successors shall hold office for a term of six years; and the members of the board of trustees, as now constituted and elected, shall hold office until their respective terms expire under existing law, and until their successors are appointed and confirmed as herein required. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. These twelve persons, and the Governor and Superintendent of Education, constitute a board of trustees who shall have entire management and control of such institution.

Approved Sept. 29, 1923.

No. 532.)

(S. 314. Oliver.

AN ACT

To amend Section 1942 of the Code of Alabama of 1907, as amended by Acts of the Legislature of Alabama, approved March 13th, 1911, and September 30th, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1942 of the Code of Alabama of 1907, as amended by Acts of the Legislature of Alabama, approved March 13th, 1911 and September 30th, 1919, be and the same is hereby amended to read as follows: 1942. The board of trustees must provide good and sufficient insurance, payable to the State of Alabama, upon the property of the State and under their control, and keep and maintain such property in good repair; and for these purposes there is annually appropriated the sum of six thousand dollars, to be drawn as appropriations for the support of the institute are drawn. Such appropriations shall be expended only for the purposes herein specified.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.
Approved Sept. 28, 1923.

No. 533.)

(S. 313. Oliver.

AN ACT

To amend section 1952 of the Code of Alabama of 1907 as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Be it enacted by the Legislature of Alabama.

Section 1. That Section 1952 of the Code of Alabama of 1907, as amended by an act of the Legislature of Alabama, approved September 30th, 1919, be and the same is hereby amended to read as follows: 1952. For the maintenance and support of the Alabama School for Negro Deaf and Blind the sum of Three Hundred Twenty (\$320) dollars per pupil is hereby annually appropriated, such appropriation to be based upon the number of pupils enrolled upon the first day of January of each year, and to be drawn quarterly in advance by the Treasurer of the Board and disbursed as directed by them.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved Sept. 28, 1923.

No. 534.)

(S. 499. Hutson.

AN ACT

To provide for and regulate further the banking department for the State of Alabama to the end of better regulating the examinations and supervisions of banks and banking in this State.

Be it enacted by the Legislature of Alabama:

Section 1—(3). The superintendent of banks may from time to time employ not exceeding five persons as examiners, one office assistant, and two stenographers to aid him in the discharge of the duties imposed upon him by law. The examiners, office assistant and stenographers employed by the superintendent shall perform such duties as he shall assign them; and said office assistant may be required to examine banks, in the discretion of the superintendent of banks, or if in his opinion, it is wise to dispense with the services of an office assistant, he may use one of the examiners to assist him in the office work. Each of the examiners and the office assistant shall be paid a salary of one hundred fifty (\$150.00) dollars per month, and each stenographer a salary not to exceed one hundred twenty-five (\$125.00) dollars per month, for the time that they are actually engaged in performing duties under the direction of the superintendent of banks, such salary to be paid monthly on the certificate of the superintendent of banks on warrants drawn by the State Auditor on the State Treasurer; provided, however, that upon the recommendation of the banking board, such bank examiners and office assistant may be paid any sum the said board may determine to be just, not exceeding two hundred fifty (\$250.00) dollars per month, and provided further that said board shall make an order to that effect and certify a copy thereof to the State Auditor. The said board shall not increase the salary of any examiner or office assistant from one hundred fifty (\$150.00) dollars a month, until he has served as bank examiner or office assistant at least three (3) months, and until he has shown exceptional ability to perform the duties of a bank examiner or office assistant.

Section 2—(7). Every bank carrying on a banking business in the State other than national banks shall be subject to the supervision and inspection of the superintendent of banks and the regulations and supervision hereof. The superintendent of banks shall either personally, or by competent examiner appointed by him, visit and examine every corporation doing a banking business, and every individual banker doing a banking business, in and under the laws of the State of Alabama, at least twice in each year. On every such examination, inquiry shall

be made as to the conditions and resources of the corporation (or the individual or individuals in case of individual bankers) the mode of conducting and managing the affairs of the bank, the action of its directors (in case of a corporation), the investment of the funds of the bank, the safety and prudence of the management of the bank, and whether the requirements of its charter and of law have been complied with in the administration of the affairs of the bank, and as to such other matters as the superintendent of banks may prescribe. In addition, the superintendent of banks shall have power and it shall be his duty, in like manner to examine or cause to be examined into the affairs of every corporation and individual banker doing a banking business whenever in the judgment of the superintendent the management and condition of the bank is such as to render an examination of its affairs necessary or expedient, or whenever in the opinion of the superintendent the interest of the public demands an examination. The expenses incident to any examination more than two within a year shall be borne by the bank so examined, and such bank so examined shall on the call of the superintendent of banks pay into the State Treasury of Alabama, within ten (10) days after said examination, not exceeding twenty-five (\$25.00) dollars for each day a bank examiner or the superintendent of banks is engaged in making such examination. The superintendent of banks shall also have the power to examine or cause to be examined every agency located in this State or any foreign bank for the purpose of ascertaining whether it has violated any law of the State and for such other purposes and to such other matters as the superintendent may prescribe. The superintendent of banks and every examiner acting under or appointed by the superintendent shall have power and authority to administer oaths and to examine under oath any person whose testimony may be required on the examination of any corporation or individual doing a banking business or on the examination of any agency of any foreign bank, and shall have authority and power to compel the appearance and attendance of any such person for the purpose of any such examination.

Section 3—(30). In the event the superintendent of banks refuses to permit the incorporation of any bank, or refuses to permit any individual to organize an individual bank upon the ground that the general character and general fitness of the persons named as stockholders (in case of the proposed incorporation of the bank) or the individual or individuals (in case of the proposed organization of an individual bank) are not such as to command the confidence of the community in which said bank is proposed to be located, or that there is not a public necessity for or sufficient business to support said bank in said

community, any proposed stockholder or individual may appeal from such refusals of the superintendent to the State Banking Board, and the said Banking Board may take evidence and examine witnesses with respect to the propriety and justice vel non of said refusals and may make such findings and orders as may be necessary to either confirm said refusals or to permit the incorporation of such bank. Full power and authority is hereby vested in the State Banking Board to review, revise and reverse or confirm any ruling and findings and orders of the superintendent with respect to the establishment of State banks, and to take evidence and examine witnesses of all parties touching such matters. The incorporators of any bank proposed to be organized under the laws of this State, shall execute and acknowledge an application in writing in the form prescribed by the superintendent of banks, and shall file the same in the office of the State Banking Department, which application shall be signed by three (3) or more of the incorporators requesting a certificate authorizing the proposed bank to transact business at the place and the name, stated in said application; and at the time of filing said application, the applicant shall pay to the superintendent of banks a filing fee of one hundred (\$100.00) dollars, which shall be paid into the State Treasury and credited to the State Banking Department's fund as all other revenues derived from other assessments made by the State Banking Department. Provided that nothing in this Act shall be construed to prevent any Court of competent jurisdiction by writ of mandamus or otherwise as provided by Law, reviewing and reversing the action of the Banking Board or the Superintendent of Banks in refusing a charter or permit for any new Bank. And upon proper proceedings, the said Court, after full hearing of the matters at issue, shall enter the proper order or decree confirming the action of said Banking Board or Superintendent of Banks, or reversing same, and ordering the issuance or granting of said permit in accordance with the application.

Section 4. This Act takes the place and supercedes, respectively, sections 3, 7, and 30 of the original Act creating the banking department of the State, approved March 2nd, 1911, as said sections have been amended, respectively, by the Acts of February 15th, 1915, September 27th, 1919 and October 29th, 1921.

Approved Sept. 29, 1923.

No. 535.)

(S. 498. Hutson.

AN ACT

To amend section 12 of an Act entitled "An Act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 2, 1911.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 12 of an Act entitled, "An Act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 2nd, 1911, be and the same is hereby amended to read as follows: Section 12. The information which shall be obtained by the Superintendent of Banks, or any bank examiner in making an examination into the affairs of any bank, shall be for the purpose of ascertaining the true condition of the affairs of said bank, and shall not be disclosed by the party making the examination to any person, except that the examiner shall make report of the condition of the affairs of the bank ascertained from examination, to the Superintendent of Banks, and except that the Superintendent may make publication or take action as a result of said report as herein authorized, provided, however, the Superintendent may, should he deem advisable, disclose such matters to the members of the State Banking Board and confer with the members of the said Board regarding same.

Section 2. Any member of any Banking Board, who shall knowingly and willfully disclose the condition or affairs of any bank which is ascertained by him on an official examination of such bank, or who shall knowingly and willfully inform or give information as to who are the depositors or debtors of any bank, officially examined by him as a member of the Banking Board, except as he may be authorized or required by law to report and give information, shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1000.00) Dollars.

Approved Sept. 28, 1923.

No. 536.)

AN ACT

(S. 131. Teasley.

To amend Sec. 3531 of the Code of Alabama of 1907 as amended by an Act of the Legislature approved Oct. 5, 1920.

Be it enacted by the Legislature of Alabama:

That Section 3531 of the Code of Alabama of 1907 as amended by an Act of Legislature approved Oct. 5, 1920 be, and the same is hereby amended so as to read as follows: Section 3531 (Deposit of Bonds with State Treasurer as security for carrying on Trust Business). Any corporation organized and operating as a trust company, State or national Bank, authorized by law to do a trust business, may deposit with the State Treasurer United States Bonds, Farm Loan Bonds issued by the Federal Land Banks or Joint Stock Land Banks pursuant to the Federal

Farm Loan Act, Alabama Bonds, Bonds of any city or county in the State of Alabama, or mortgages which are first liens on real estate, worth in each case double the face of the mortgage; situated in this State, to an amount not less than twenty-five thousand dollars, and may increase said deposit from time to time, or reduce the same to an amount not less than twenty-five thousand dollars, or may withdraw the deposit entirely, provided such Trust Companies or Banks have made final settlement and accounted for all assets in their possession and under their control by reason of any appointment under Article Ten of the Code of 1907. Immediately upon the appointment of any bank or trust company to act as guardian, administrator, executor, receiver or trustee by the Judge of any court in this State under Sec. 3534 of the Code of Alabama of 1907, said Judge shall certify such appointment under his seal of office to the State Treasurer of Alabama giving the name and amount of assets of the estate or Cestui Que Trusts and upon receipt of said certificates, the State Treasurer shall charge against any deposit the liability under said appointment. The Treasurer shall decline to receive any bonds or other securities of a market value less than par; and may in his discretion decline to receive any bonds or other securities that he considers unsafe or unsuitable for that purpose.

Approved Sept. 29, 1923.

No. 537.)

AN ACT

(S. 186. Hutson.

To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage of this Act the mayor and council or other governing bodies of incorporated municipalities in this State be and they are hereby invested with the exclusive power and authority to establish or authorize the establishment of ferries on rivers which in whole or in part constitute the dividing line between two counties in this State at points touching such incorporated municipalities and to regulate the same.

Section 2. That in all cases where the river is the dividing line between two counties and where the boundaries of any incorporated municipality borders upon such river and at a public road crossing, the power and authority to establish a ferry across said river at such public road crossing is hereby vested exclusively in such municipality.

Section 3. On application for ferries, where the banks on each side belong to the same person, such person is entitled to the prior right of establishing a ferry; when the banks belong to different persons, the municipal authorities may grant the license at their election to either of such owners making the application; but should any person, not the owner of the land on either bank of the river where it is proposed to establish a ferry make application for a license he shall be required to produce before the municipal authorities a statement in writing from the owner thereof, saying that he is not an applicant and such written statement must appear of record; but no license for a ferry shall be granted until twenty days notice of the intended application shall have been given, by notice published in a newspaper and posted at the city hall of such municipality, and at the court house door of the county in which such municipality is situated, and at three other public places in the county, two of which shall be in the immediate vicinity where it is proposed to establish such ferry, and three other notices in three public places in the adjoining county where said ferry touches, and personal notice shall be given to the owner of the land if he is not an applicant. Such license for a ferry shall be granted only at the crossing of a river at a point where a public highway has been established.

Section 4. That all license granted at points governed by this Act and not in conformity with the provisions of the same be and the same are hereby annulled.

Section 5. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 541.)

AN ACT

(H. 943. Fite.)

To regulate the office of the Clerks and deputy Clerks of the Circuit Court and Registers of the Circuit Court in all Counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, and deputy Clerks holding office and performing the duties of Circuit Court Clerks at places other than the county site in such counties, their employees and assistants, and to provide for the method of paying the compensation of such clerks, deputy clerks and registers and their employees, assistants or other help.

Be it enacted by the Legislature of Alabama:

Section 1. That in all Counties of the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent Federal census, the salaries of the clerks and deputy clerks of the Circuit Court and Registers of the Circuit Court and the employees, assistants or other help of

such clerks, deputy clerks, and Registers, and deputy clerks holding office and performing the duties of Circuit Court clerks at places other than the county site in such counties and their employees and assistants shall be paid out of the general fund of such counties.

Section 2. That all laws or parts of laws in conflict herewith be and hereby are expressly repealed.

Section 3. This Act shall go into effect immediately after its passage.

Approved Sept. 29, 1923.

No. 542.)

AN ACT

(H. 748. Mrs. Wilkins.

To amend Section 1 of Article 3 of an Act entitled "An Act to provide a complete educational system for the State of Alabama." approved September 26, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1 of Article 3 of an Act entitled "An Act to provide a complete educational system for the State of Alabama," approved September 26, 1919, be amended to read as follows: Section 1. The State Board of Education shall be composed of the Governor, the State Superintendent of Education and one member from each Congressional district to be appointed by the Governor and confirmed by the Senate for terms of twelve years, except as hereinafter provided, beginning on the first day of October next succeeding their appointment. The Governor shall be president and the State Superintendent of Education shall be secretary and executive officer of the Board. The appointive members of the Board as now constituted shall hold office as representatives of the districts in which they reside until their respective terms expire under existing law. The terms of members from the fourth, sixth and tenth districts shall expire in 1927; of those from the second, seventh and eighth districts in 1931; of those from the first, third, fifth and ninth districts in 1935. The members of the Board shall be appointed solely for their character and fitness, but no person shall be appointed to the Board who is in any way subject to its authority. The Governor may remove any appointive member of the Board for immorality, misconduct in office, incompetency or wilful neglect of duty, giving to him a copy of the charges against him and, upon not less than ten days' notice, an opportunity of being heard publicly in person or by counsel in his own defense. If any member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges against such member and his findings thereon, together with a complete record of the proceedings. As vacancies

occur on the Board for any cause they shall be filled by the Governor for the unexpired term subject to confirmation by the Senate at the next succeeding session of the Legislature. Before exercising any authority or performing any duty each member of the Board shall qualify as such by taking and subscribing to the oath of office prescribed by Article 16 of the State Constitution, the certificate whereof shall be filed with the records of the Board.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 543.)

AN ACT

(H. 313. Mrs. Wilkins.

To regulate child-placing, and to provide for the licensing, visitation, supervision, inspection and regulation of agencies and institutions within the State of Alabama that are engaged in the business of receiving and caring for children or of placing them or boarding them in private homes.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the State Child Welfare Department to pass annually on the fitness of every agency, public, semi-public or private, which engages in the business for gain or otherwise, of receiving and caring for children or placing, or boarding them in private homes. Annually and at such times as the department shall direct, every such agency shall make a report, showing its condition, management and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the department may require. When the department is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes covering the management of such agencies are being complied with, it shall issue to the agency a license which shall continue in force for one year unless sooner revoked by the department. No agency which does not hold such license shall receive a child for care or placing out, or place a child in another home or solicit money in behalf of such agency. All such agencies shall be subject to visitation and inspection by the county board of health, and visitation, inspection and supervision by the State Child Welfare Department. The word "agency" where used in this Act shall include individuals, partnerships, voluntary associations and corporations.

Section 2. That every agency permitted by law to receive, secure homes for, or otherwise care for children, shall keep a

record containing names, ages, present and former residences of all children received; the names, former residences, occupations and character so far as known of the parents; the dates of reception, placing out or adoption, together with the names, occupations and residences of the person with whom the child is placed; the date and cause of cancellation of any contract, the date and cause of any removal to another home; the date and cause of termination of custody, and a brief history of each child until he shall have reached the age of eighteen years, or shall have been legally adopted or discharged according to law.

Section 3. That every such agency shall report at such time prescribed by the Child Welfare Commission to the State Child Welfare Department on forms supplied by it, giving the information contained in the record and such other information as the board may require.

Section 4. That the State Child Welfare Department may, within ninety days of the receipt of the notice of placement of any child, cause such child to be visited by one of its agents for the purpose of ascertaining whether the home is a suitable one for the child, and whether the child is contented. The department may continue to visit and supervise the care of such child as though the child were placed out by the department. Whenever satisfied that a child has been placed in an unsuitable home, or that the child continues to be discontented, the department may order its transfer by the agency which placed it, and if said order is not obeyed within thirty days or such shorter time as is named in the order, the department itself shall take charge of and provide for such child.

Section 5. That every agency placing a child in a home shall enter into a written agreement with the person taking the child, which agreement shall provide that the agency shall have access at all times to such child and to the home in which he is living, and for the return of the child by the person taking him whenever in the opinion of the agency or in the opinion of the State Child Welfare Department, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted upon written permission of the agency making the placement if such agency holds a license from the State Child Welfare Department or held such a license at the time the placement was made.

Section 6. That no agency shall bring or send into the State any child for the purpose of placing him out or procuring his adoption without first obtaining the consent of the State Child Welfare Department. Such agency shall conform to the rules of the State Welfare Commission, and shall enter into a written agreement with the department: (a) to remove such child from the State when requested so to do by the said department,

prior to the child's adoption or becoming of age; (b) that it will place the child under written contract approved by the department; (c) that the person with whom the child is placed shall be responsible for his proper care and training; (d) that the department shall have the same right of visitation and supervision of the child and the home in which it is placed as in the case of a child placed out by the department. Before the child shall be brought or sent into the State for the purpose of placing him in a home, the agency so bringing or sending such child shall first notify the State Department of its intention and shall obtain from the State Department a certificate stating that such home is, in the opinion of the said department, a suitable home for the child. The agency bringing or sending the child into the state shall report once a year, or when the child is placed in another home, or at such times as the department may direct, as to the location and well-being of the child so long as he shall remain within the State and until he shall have reached the age of eighteen years or shall have been legally adopted.

Section 7. That no child shall be taken or sent out of the State for the purpose of placing him in a home, otherwise than by a parent or guardian, unless the agency so taking or sending him shall give the State Child Welfare Department notice of its intention and furnish such information as the department may require. Such agency shall place the child under written contract approved by the department that the person with whom the child is placed shall be responsible for his proper care and training, and thereafter shall report to the department once a year and at such other times as the department may direct, as to the location and well-being of such child until he shall have reached the age of eighteen years or shall have been legally adopted.

Section 8. That the records herein provided for, or the facts learned about the children, their parents or relatives, or other persons having custody or control of them shall be held in strict confidence by the State Child Welfare Department, the Board of Health, and the agencies which may be caring for or co-operating in the care of such children; provided, that any person who has arrived at the age of majority and who knows or believes himself to have been placed out by an agency reporting to the department, shall have the right to demand and receive from the department such information as the department may have concerning his own parents or relatives.

Section 9. That no person other than the parents or relatives of the second degree may assume the permanent care, custody or control of a child under 16 years of age unless authorized so to do by an act or decree of the Court. Except in proceedings for adoption, no parent may assign or otherwise trans-

fer to another his rights or duties with respect to the permanent care, custody and control of a child under 16 years of age, and any such transfer hereinafter made shall be void. Provided that nothing contained in this section shall operate to prevent the transfer of custody of children to the State Child Welfare Department or agencies or institutions holding license from the State Child Welfare Department or to prevent the Child Welfare Department and such licensed agencies from placing such children under the rules and regulations of the State Child Welfare Commission.

Section 10. Every person, acting for himself or for an agency, and every officer, agent or employee of the State Child Welfare Department, who violates any of the provisions of this Act, or who shall intentionally make any false statements to the State Child Welfare Department shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment, at the discretion of the Court.

Section 11. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 12. This Act shall be liberally construed in order to accomplish the beneficent purposes herein provided for; and should any section or part thereof be held to be unconstitutional it shall not affect the remaining portion thereof. This Act shall take effect immediately upon being signed by the Governor.

Approved Oct. 1, 1923.

No. 545.)

(H. 827. Howze.

AN ACT

To amend subdivision (3) of section 3481 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama That Subdivision (3) Of Section 3481 Of The Code of Alabama Of 1907 Be And It Hereby Is Amended To Read As Follows: (3) As to real estate, debts, mortgages, etc.—To acquire, hold, purchase, receive by bequest, or device, or in payment of subscription for stock, or in payment for stock issued and sold, and to convey and otherwise dispose of, all such real and personal property as may be necessary or convenient for the efficient construction, operation, or maintenance of its work or plant, line, shops, factories, or other buildings, or for the conduct or management of its business or businesses, or as its purposes may require, and all other real or personal property which shall have been bona fide conveyed, transferred, pledged or mortgaged to the corporation by way of security for, or in satisfaction of debts, or purchased at sale under judgment or decree obtained for such debts; to borrow money, issue notes, bonds, or other negotiable paper or

mortgage, pledge or otherwise transfer or convey its real and personal property to secure the payment of money borrowed or any debt contracted, unless otherwise provided. No bonded indebtedness of a corporation shall be created or increased, not its real property mortgaged, except by the consent of the persons holding the larger amount in value of the entire outstanding capital stock of the corporation present and voting in person or by proxy, at a meeting of the stockholders called for that purpose, or at a regular meeting, which consent may permit any creation of or increase in the bonded indebtedness of the corporation which conforms to the conditions in such consent stated; and provided, further, that the board of directors may mortgage or otherwise pledge, transfer, or convey the personal property of the corporation to secure money borrowed by it, and any debt contracted by it without first obtaining the consent of the stockholders.

Approved Sept. 28, 1923.

No. 547.)

AN ACT

(H. 1036. Howze.

To authorize and provide for the payment of the sum of two thousand five hundred (\$2,500.00) dollars for the relief of Odell Garrison, of Jefferson County, who was injured on the 31st day of December, 1920, while in line of duty with the National Guard of Alabama. Whereas, Odell Garrison, while in line of duty with the National Guard of Alabama, on the 31st day of December, 1920, received injuries resulting in the loss of the entire thumb and its metacarpal bone, one phalanx of the second finger, one and one-half phalanges of the third finger, and the deformity and permanent partial loss of the use of the little finger and remaining part of the palm, of his left hand; and Whereas, no adequate compensation has been paid the said Odell Garrison for the said injuries:

Be it enacted by the Legislature of Alabama:

Section 1. That the State Auditor be, and is, hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said Odell Garrison for the sum of two thousand five hundred (\$2,500.00) dollars, which shall be paid by the said Treasurer out of any funds in the State Treasury not otherwise appropriated.

Approved Sept. 28, 1923.

No. 548.)

AN ACT

(H. 181. Nichols.

To make it unlawful for any person not a member of the American Legion, Veterans of Foreign Wars, United Confederate Veterans, Spanish-War Veterans, or any similar organization, to wear any emblem or insignia of any of such organizations, and to provide a penalty therefor.

Be it enacted by the Legislature of Alabama:

Section 1. It is unlawful for any person who is not a member of the American Legion, the Veterans of Foreign Wars, the United Confederate Veterans, the Spanish-War Veterans, or any similar organization, to wear any emblem or insignia, badge or button, of any of such organizations.

Section 2. Any person violating the provisions of this Act is guilty of a misdemeanor and, upon conviction, must be fined not less than \$5 nor more than \$50 for the first offense, and for any second offense in addition to the fine herein provided for may be punished by imprisonment in the county jail for not more than thirty days.

Section 3. This Act shall take effect upon its approval by the Governor.

Approved Sept. 28, 1923.

No. 550.)

AN ACT

(H. 288. Smith of Clay.

To repeal an Act to prescribe a limitation for the bringing of suits for the recovery of personal property or the value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale.

Be it enacted by the Legislature of Alabama.

Sec. 1. That an act to prescribe a limitation for the bringing of suits for the recovery of personal property or the value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale approved Mar. the 5th 1915 is hereby repealed.

Approved Sept. 28, 1923.

No. 556.)

AN ACT

(H. 373. Glenn.

Regulating the administration of guardianship and estates in the Chancery Courts of the courts of like jurisdiction in this State.

Section 1. *Be it enacted by the Legislature of Alabama* that the administration or conduct of any guardianship or administration of any estate of a minor or minors may be removed from the Probate Court to the Chancery Court or Court of like jurisdiction at any time before the final settlement thereof, by the Guardian of any such Guardianship or guardian Ad Litem or next friend of any minor heir interested in any estate without assigning any special Equity, and an order of removal must be made by the Court, Chancellor or Judge, either in Term time or in vacation, upon the filing of a sworn petition by any such Guardian, Guardian Ad Litem or next friend for the Estate of

any Minor or Minors, reciting that the Petitioner is the Guardian or Guardian Ad Litem or next friend of such minor or minors and that in the opinion of the Petitioner such Guardianship or estate can be better administered in the Chancery Court or Court of like jurisdiction than in the Probate Court.

Section 2. All Laws and parts of Laws in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 3. This Act is to become a law immediately upon the approval of the Governor.

Approved Sept. 29, 1923.

No. 557.)

(H. 1054. Stewart of Calhoun.

AN ACT

To amend section 6577 of the Code of 1907.

Be it enacted by the Legislature of Alabama.

Section 1. That Section 6577 of the Code of 1907, shall be amended so as to read as follows, to-wit: 6577. Earnings of convict paid him on reversal or rendering his case on appeal.— When any person is convicted of a felony and takes an appeal from said judgment of conviction to the supreme court of Alabama, and pending said appeal he elects to not have said judgment and sentence suspended, pending said appeal, and goes to the penitentiary and performs labor as directed under said sentence of judgment, if the case be reversed and remanded or rendered, the State of Alabama must at once pay him or his attorney of record the amount earned while performing said labor under said sentence. When such persons elect to have said judgment and sentence suspended pending said appeal, and the case is affirmed, and such person goes to the penitentiary, and performs labor as directed under said sentence of judgment, and if upon rehearing the case is reversed and remanded or rendered, the State of Alabama must at once pay to such person or his attorney of record, the amount earned while performing said labor under said sentence. The amount to be paid him is the amount which the State would have received from the proceeds of his labor, if said judgment of conviction had not been reversed and remanded or rendered.

Approved Sept. 29, 1923.

No. 558.)

(H. 617. Odom.

AN ACT

To protect land owners against the burdens of increased assessments or tax raises on lands being drained in Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. No tax assessor, agent of the State, tax commission or any other official or officials authorized to assess property for taxes or to raise assessments on property for taxes in Alabama shall have authority to raise the assessment for taxes on any lands included in a drainage district during which assessment for drainage benefits on the said lands are being paid; provided that the cause of a raise or increased assessment by the increased value or use of the land be brought about by drainage benefits.

Section 2. No tax collector of a county or other official authorized to collect taxes on property shall collect taxes on increased assessments made in violation of Section 1 of this Act.

Section 3. For the purpose of this Act, a drainage district shall be held to be a body of land incorporated for the purposes named in Article 40 of the Act of the Legislature of 1923 known as the "Agricultural Code of Alabama."

Section 4. Any person or official violating the provisions of this Act shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty (\$50.00) dollars nor more than (\$100.00) dollars.

Section 5. All laws or parts of laws in conflict with this Act are hereby repealed.

Approved Sept. 29, 1923.

No. 559.)

AN ACT

(H. 874. Fite.

To legally confirm the local designation of Lake Bankhead, a part of the Warrior River.

Be it enacted by the Legislature of Alabama:

Sec. 1. That in consideration of and as an act of appreciation of the thirty-three years of devoted service in the Congress of the United States in behalf of the development of the Warrior River by the late Senator John Hollis Bankhead, a service that even treated in the canalization of that historic stream by Federal appropriations aggregating many millions of dollars, affording not only navigation but waterpower, and opening the great mineral and industrial sections of Alabama to commerce on the seven seas of the world, that on and after the passage of this Act, the local designation of that part of that stream above Lock 17 and below Mulberry Fork, now locally designated as Lake Bankhead, and so christened on November 1, 1913, on the opening of Lock 17, shall be officially known as Lake Bankhead.

Sec. 2. That the Senators and the Representatives in the Congress of the United States, be and the same are hereby requested to secure Congressional recognition of this State official designation.

Sec. 3. Any law or part of law now on the statute books in any way not in conformity with any provision of the above, be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 560.)

(H. 314. Mrs. Wilkins.

AN ACT

To define maternity hospitals and to provide for the licensing, regulation and supervision of such hospitals.

Be it enacted by the Legislature of Alabama:

Section 1. That any person who receives for care or treatment during pregnancy or during delivery, or within ten days after delivery, more than one woman within a period of one year, except women related to such person by blood or marriage, shall be deemed to maintain a maternity hospital. The fact that such hospital receives other types of patients shall not operate to except it from the provisions of this Act. The word "person," where used in this Act shall include individuals, voluntary associations, corporations, partnerships, and municipal or county institutions.

Section 2. That the Child Welfare Department may grant a license for the conduct of any maternity hospital that is for the public good and is conducted by a respectable and responsible person and it shall be the duty of the Child Welfare Commission to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect the purposes of this Act and all other laws of the State relating to children so far as the same are applicable, and to safe-guard the well-being of all infants born therein and the health, morality and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining from the State Child Welfare Department a license to conduct such maternity hospital. No such license shall be issued unless the medical staff of the hospital includes one or more resident nurses and one or more licensed physicians and the premises are in a fit sanitary condition. The license may be granted for a period not exceeding one year, and shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of women that may be treated or cared for therein at any one time. No greater number of women shall be kept at one time than is authorized by the license; and no woman shall be kept in a build-

ing or place not designated by the license without the consent of the State Child Welfare Department. A record of every license so issued shall be kept by the State Child Welfare Department, which shall forthwith give notice to the State Board of Health, and to the board of health of the county in which the licensee resides, of the granting of such license and the term thereof. The State Child Welfare Department may revoke a license so issued when a provision of this Act is violated, or when, in the opinion of said department, such hospital is maintained without due regard to sanitation and hygiene, or to the health, comfort or well-being of the inmates or infants born to such inmates.

Section 3. That the State Child Welfare Department shall prescribe and furnish forms for the registration, records and reports of persons cared for in any such hospital.

Section 4. That every birth occurring in a maternity hospital shall be attended by a legally qualified physician or a competent nurse. The licensee conducting such hospital shall, within twenty-four hours after an admission of a patient or after a birth occurs therein, in addition to the report required to be filed with the State Registrar of Vital Statistics, make a written report thereof to the State Child Welfare Department and county board of health, giving the sex of the child, and such additional information, when obtainable, as the State department may require. The licensee shall immediately after the discharge from, or death in, such maternity hospital of a woman, or of an infant born therein, notify the board of health of the county in which such hospital is located.

Section 5. That the officers and agents of the State Child Welfare Department, and the board of health of the county in which a licensed hospital is located may visit and inspect such hospital at least once in every three months. Moreover, the State Board of Health, through its officers or agents, may also inspect every such hospital when deemed necessary by said board. The licensee shall give all such information to such inspectors and afford them every facility for viewing the premises and seeing the inmates. The said inspectors shall make report of conditions in said hospital, and such report shall be kept by the Child Welfare Department.

Section 6. That no maternity hospital shall engage in the business of child-placing, unless licensed for child placing by the Child Welfare Department. Any child born in any maternity hospital who is illegitimate and whose father is unknown and whose mother is unable to care for such child, or any child who for any reason will be left destitute of support, shall, through proper court proceedings, be committed to the Child Welfare Department, or to any agency licensed by said department to engage in the business of child-placing.

Section 7. That on a prosecution under the provisions of this Act, a defendant who relies for defense upon the relationship of any woman or infant to himself shall have the burden of proof on that issue.

Section 8. That no officer, or agent, or employee of the State Child Welfare Department, the State Board of Health, or the board of health of the county where such licensed hospital is located, or any person who has held such position, shall directly or indirectly disclose the contents herein provided for, except upon inquiry before a court of justice, or by order of a court of justice, or upon a coroner's inquest, or for the information of the State Child Welfare Department, the State Board of Health, or the board of health of the county in which said hospital is located; provided, however, that nothing herein shall prohibit the State Child Welfare Department from disclosing such facts to persons having a proper interest in the child or children involved, if, in the judgment of said department, the interests of such child or children will be forwarded thereby.

Section 9. That the provisions of this Act shall not apply to hospitals except insofar as such provisions concern or apply to babies born out of wedlock, or the mothers of such babies receiving maternity care in such hospitals.

Section 10. That every person who violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for not more than one year, or by both such fine and imprisonment at the discretion of the court.

Section 11. That all laws or parts of laws in conflict with this Act shall be and the same are hereby repealed.

Section 12. That this Act shall be liberally construed in order to accomplish the beneficent purposes herein provided for; and should any section or part thereof be held to be unconstitutional it shall not affect the remaining portion thereof. This Act shall take effect immediately upon being signed by the Governor.

Approved Sept. 29, 1923.

No. 561.)

(H. 518. L. K. Bowen of
Jefferson.

AN ACT

To create and establish and locate a State secondary agricultural school in School District 4A, Jefferson county, Alabama; to provide for the control thereof; to make appropriations for its support and maintenance; and to authorize the County Board of Revenue to make appropriations therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in School District 4A, Jefferson County, Alabama, a state secondary agricultural school, which school shall be located at or near corner schoolhouse, the site to consist of not less than ten acres and at least eighty acres of farm land adjacent to or near the site, to be selected and approved by the State Board of Education.

Section 2. That there shall be tendered the State of Alabama a deed in fee simple to the site and farm land approved for the location of the school together with the sum of one thousand dollars (\$1000.00), this amount to be used for the erection of suitable school and farm buildings and for the purchase of equipment. When the site and farm land have been deeded to the State and the amount of one thousand dollars (\$1000.00) required for the erection of the necessary buildings and for the purchase of equipment has been deposited with the State Board of Education, the said Board shall proceed with the erection of the buildings and shall formally open the school as soon as said buildings have been completed and equipped; provided that the provisions of this Act shall be null and void should the conditions relating to the deeding of site and farm land and the depositing of funds set out in the foregoing not be complied with in full on or before July 1, 1924.

Section 3. That the supervision and control of said school shall be under the State Board of Education in like manner as in the case of state secondary agricultural schools already established. The same rules and regulations for the government and control of these schools shall obtain in the management and control of this institution.

Section 4. That there is hereby appropriated out of the general treasury of the State out of any funds not otherwise appropriated, the same amount for the support and maintenance of this institution as is or may be appropriated to any one of the state secondary agricultural schools already established, this appropriation to be paid out in the same manner as the appropriations are paid to the other state secondary agricultural schools.

Section 5. That the County Board of Revenue of Jefferson County is hereby authorized to make appropriations towards the establishment, support and maintenance of this institution.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 562.)

(H. 489. Hornsby.

AN ACT

To amend subdivision two of section 4505 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

1. That subdivision two of section 4505 of the Code of Alabama be amended so as to read as follows: Whenever any such minor, having no father, mother, or guardian, or if a parent be living but is insane, or has abandoned such minor for one year and such minor shall petition the Court to be relieved of the disabilities of non-age, and the Court shall be satisfied that it is to the interest of such minor.

Approved September 29, 1923.

No. 563.)

(S. 377. Inzer.

AN ACT

To provide appropriations for the Alabama School of Trades and Industries.

Be it enacted by the Legislature of Alabama:

Sec. 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of five thousand (\$5,000) dollars annually for the maintenance and support of the school of trades and industries at Ragland, the said appropriation to be paid quarterly in equal amounts on the first day of October, January, April and July.

Approved Sept. 29, 1923.

No. 564.)

(S. 473. Powell.

AN ACT

To amend section 6572 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 6572 of the Code of Alabama, be, and the same is, hereby amended so as to read as follows: 6572. (4511). Costs of Conviction; items to be paid.—Whenever a defendant is convicted, and sentenced to the penitentiary the following items of costs in the case shall be paid out of the convict fund, to the extent and in the manner hereinafter prescribed, to-wit: For issuing each capias or warrant (once), fifty cents; docketing cause, ten cents; issuing each subpoena for state's witnesses, twenty-five cents; each undertaking or recognizance, and entering same, fifty cents; trial, fifty cents; entering judgment, twenty-five cents; final judgment, twenty-five cents; record for supreme court (per hundred words), fifteen cents; making final record (per hundred words), fifteen cents; making transcript and certificate thereof (per hundred words), fifteen cents; entering forfeiture against defendant,

fifty cents; sheriff's fees, executing each warrant or writ of arrest, four dollars; approving bond, one dollar; serving each subpoena for state witnesses, fifty cents; for committing prisoners to jail, one dollar; for summoning jury in capital cases, three dollars; state witnesses' fees, which are fixed at seventy-five cents per diem before the grand jury and seventy-five cents per diem before the court of conviction, and five cents per mile for each mile traveled to and from the grand jury and court of conviction, but no witness shall be entitled to fees in more than one case on the same day; cost of committing magistrate and constables or preliminary trial, both together not to exceed five dollars; court stenographer's fee not to exceed three dollars; and when the conviction is secured by a solicitor other than a solicitor who is paid a salary by the state, or when the solicitor is paid a salary by the county, such bill of costs shall also include the solicitor's fee, which is now or may be allowed by law.

Approved October 6, 1923.

No. 565.)

(S. 316. Oliver.

AN ACT

To amend Section 1946 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 1946 of the Code of Alabama of 1907, as amended by an Act of Legislature of Alabama, approved September 30th, 1919, be and the same is hereby amended to read as follows; 1946. For the maintenance and support of the Alabama School for the Blind the sum of three hundred twenty (\$320) dollars per pupil is annually appropriated, such appropriation to be based upon the number of pupils enrolled upon the first day of January of each year, to be drawn quarterly in advance by the treasurer of the board, and disbursed as directed by them.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 566.)

(S. 308. Adams.

AN ACT

To provide for the payment of court costs in cases in which the condemnation and forfeiture of conveyance and vehicles of transportation on account of being used in the transportation of prohibited liquors or beverages of any kind is sought, and in which a decree shall be rendered against the State.

Be it enacted by the Legislature of Alabama:

Section 1. In all cases filed under the provisions of an Act "To further suppress the evils of intemperance; to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors, and beverages and fixing punishments and penalties," approved January 25, 1919, for the purpose of condemning and selling conveyances and vehicles of transportation of any kind on account of their use in the transportation of prohibited liquors or beverages, if a decree shall be rendered against the State the court costs shall be paid out of the law enforcement fund provided for in said Act, said payment to be made on warrant of the Auditor, upon receipt by the Auditor of the bill of costs certified as being correct by the Register in Chancery of the court in which such case shall have been tried, which cost bill shall also bear the approval of the Attorney General and the Governor before warrant shall be drawn.

Approved October 3, 1923.

No. 567.)

(S. 284. Inzer.

AN ACT

To amend Section 1217 of the Code of Alabama, of 1907, relating to appeals from recorders' court.

Be it enacted by the Legislature of Alabama:

That Section 1217 of the Code of Alabama, of 1907, be amended to read as follows: "1217. Appeals from Recorder's Court. In any case involving the validity of an ordinance of the city, tried before the recorder, the council may take an appeal, without bond, to the Circuit Court or Court of like jurisdiction; and in any case the defendant may take an appeal to such court by giving bond with good and sufficient sureties, payable to the city, to be approved by the recorder or officer trying the case, conditioned to be void if the defendant appears from term to term of said court, until discharged by law, to answer said charge, but unless such bond be given within five days from the date of the judgment, no appeal shall be allowed from such judgment. An appeal bond for more than three hundred dollars shall in no case be required, but when sitting as a committing magistrate, any reasonable bond may be required. The case appealed shall be tried de novo in such court, and the judge or jury trying such cause is authorized to impose upon the person convicted such punishment by fine, or imprisonment in the city jail, or other place of confinement, or hard labor for the city, or by fine and imprisonment, as the court or jury may deem proper and is authorized by law or ordinance for such

offenses. When an appeal is taken, as provided for herein, said appeal shall be filed by the city in the court to which said appeal is returnable within sixty days; and if the city shall fail to file said appeal within said time, the city shall be deemed to have abandoned the prosecution of said cause, and the defendant shall not be required to further answer or appear, and the bond shall thereafter be void."

Approved Sept. 29, 1923. .

No. 568.)

(S. 113. Foster.

AN ACT

To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State treasury," approved Sept. 29, 1919.

Be it enacted by the Legislature of Alabama:

Section I. That the Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury. Be and hereby is amended so as to read as follows:

Section II. That there is hereby created and established upon or near the grounds of the Bryce Hospital, near Tuscaloosa, Alabama, a Home and School for mental deficient or inferiors as they may be hereinafter defined, and to be known as "The Alabama Home."

Section III. The home shall be managed and controlled by a Board of Managers, composed of the Governor, who shall be ex-officio a member, the seven trustees of the Alabama Insane Hospitals as now constituted, and three other persons, two of whom shall be women. Said three last named members shall be appointed or elected by the Board of Trustees of the Alabama Insane Hospitals, one for a period of one year, one for a period of two years and one for a period of three years from the date of their election or appointment; and upon the expiration of said terms of office, and all later terms, successors shall be elected or appointed by the Board of Managers of the home for periods of seven years, and until their successors are elected or appointed; all terms to end on the 31st day of December of the last year of each term.

Section IV. The Superintendent of the Alabama Insane Hospitals, by virtue of his office shall be Superintendent of the Home and with the assent and by the advice of the Board of Managers of The Home, shall appoint an assistant who shall

have immediate charge of The Home. Such assistant shall be responsible for the management and control of The Home directly to the Superintendent, and may be removed at any time by the Superintendent for just cause, the same to be set forth in writing and entered upon the minutes of the proceedings of the Board of Managers; The Board of Managers concurring therein, or he may be removed at any time by the Board of Managers, for just cause set forth in writing as provided next above. The term of office and the salary of the assistant, shall be fixed by the Board of Managers, upon the recommendation of the Superintendent. The assistant must be a graduate physician with experience and training in the specialty of psychiatry, a married man of high moral character and refinement.

Section V. The assistant, with the consent and approval of the Superintendent, shall manage and conduct all the affairs of The Home; appoint all officers and employees, including a matron, teacher and attendants; fix their salaries or wages; direct their services and dismiss them from the service of The Home with the advice and approval of the Superintendent

Section VI. The Board of Managers shall prescribe rules and regulations for the government of The Home, the residents therein and the officers and employees thereof, and the assistant shall be responsible directly to the Superintendent, and to the Board of Managers for the faithful execution of all such rules and regulations as may be prescribed by the Managers.

Section VII. The following are declared to be mental inferiors or deficient, or feeble-minded: All persons of whatever age, who are deficient or inferior to the extent of being classed in either of the following groups of the feeble-minded: That is to say, idiots, imbeciles, feeble-minded or morons, and any of whom may be, or may not be epileptics, but not violent or insane. The terms "feeble-minded" and "mental inferior or deficient" within the meaning of this Act shall include every person with such a degree of mental defectiveness from birth, or from an early age that he is unable to care for himself and to manage his affairs with ordinary prudence, or that he is a menace to the happiness or safety of himself or of others in the community, and requires care, supervision, and control either for his own protection or for the protection of others. It is specifically recognized that the greatest danger which the feeble-minded constitute to the community lies in the frequency of the passing on of mental defect from one generation to another. Any person within the above named class, over the age of five years, and a resident of the State of Alabama for more than a year, may be committed to The Home.

Section VIII. Whenever any inmate of The Home shall become insane or violent or unmanageable the Superintendent

shall make an order, in writing, a copy to be filed with The Home, and the original transmitted to the proper authorities of the Alabama Insane Hospitals, transferring such persons to the proper Insane Hospital, and such order shall be authority for confining such person, so transferred, in the Insane Hospitals just as though such person had been properly committed to the Insane Hospitals in the first instance. So, also, any person confined in the Insane Hospitals found to be not insane but to be a mental inferior or deficient, as defined in this Act, may be transferred from the Alabama Insane Hospitals to The Home by a written order of the Superintendent, said order to accompany the patient to The Home; a copy of the same to be filed in the hospital from which the patient is transferred.

Section IX. The relative, guardian, or other person interested in an individual of the class herein defined as mental inferiors or deficient, or feeble-minded, desiring to commit such person to The Home may, if the person be under the age of twenty-one years, apply to the Judge of the Juvenile Court, or where no Juvenile Court exists, to the Probate Judge of the County of such person's residence, and if over the age of twenty-one years to the Probate Judge of the County of such person's residence, for the commitment of such person to the Alabama Home; and upon such application such Judge to whom the application is made shall at once apply to the Superintendent, with description on a form prescribed by the Board of Managers of The Home, and upon being advised by the Superintendent that such applicant can be received, if a proper person, such Judge shall examine three persons one of whom must be a practicing physician, who are acquainted with the person sought to be committed, and with the condition of such person, and such Judge if he is satisfied that the person is within the class herein defined as mental inferiors or deficient, or feeble-minded, and is otherwise eligible to admission into The Home, shall make an order on a form prescribed by the board, committing such person to The Home and arrange to have such person taken to The Home, at the expense of the County if necessary. The Judge of the Juvenile Court and the Judge of Probate to whom an application of commitment is made shall have full jurisdiction of the application and the person on whose behalf the application is made, and shall have the power and authority to commit such person to The Home notwithstanding the family or relatives may object thereto; and when he has made an order of commitment and no member of the family or friend or guardian will convey the person so committed to The Home his order of commitment shall be delivered to the Sheriff of the County who shall at once convey such person to The Home and deliver him (or her) to the authorities of The Home, and shall in all things obey said order of commitment.

Section X. At the same time that the Judge investigates the mental defectiveness of the person, he shall also examine witnesses under oath as to the financial standing of the mental inferior and if the mental inferior has not sufficient means to pay for support in The Home for mental inferiors the Judge shall so state in the certificate and the expenses of the mental inferior shall be paid by the State in the manner provided by law. If however, it appear that the mental inferior has in his or her own name the means, or, if a minor, that the guardian or parents have the means, or if the relatives or friends agree to provide the means of support in The Home, the committing Judge shall state in the certificate that the mental inferior will be a paying patient and the Judge shall contract with responsible parties for the payment, monthly in advance, of the same amount per week as the State provides for indigent inmates, and to that effect the Judge shall cause a bond with sufficient surety to be made, which bond shall be approved by the Judge. One copy of the bond shall be filed in the office of the committing Judge and another sent with the inmate to the Superintendent of The Home and shall read substantially as follows: Know all men by these presents that we and of the County of in the State of Alabama are jointly held and bound unto the Board of Managers of the Alabama Home for Mental Inferiors in the penal sum of \$300.00 for the payment of which we hereunto bind ourselves jointly and severally. Sealed with our seals and dated this day of 19..... The conditions of the above obligation are as follows: Whereas A.B. of the County of in the State of Alabama, is about to be admitted as a paying inmate into The Alabama Home for Mental Inferiors, at Tuscaloosa, Alabama, now if while he or she shall remain therein the undersigned shall constantly supply him or her with suitable clothing and pay all charges of said Home against said inmate monthly in advance; and whenever his or her removal be required, immediately remove the inmate; and if the inmate shall escape from The Home, pay all reasonable charges incurred in returning him or her; and if the inmate die therein, pay all reasonable expenses incurred for the funeral and in case of failure to perform promptly any of the above conditions, pay all expenses that accrue to The Home by litigation, collector's fees, or otherwise, then this obligation shall be void, otherwise it shall remain in full force. Witness our hands and seals this day of 19..... (E. F.) (Seal) (G. G.) (Seal) I hereby certify that in my opinion the obligors in the above bond have executed the same in good faith and that the amount of the penalty specified therein, can be recovered from them by process of law. In witness I have hereto set my hand

at.....this.....day of.....19..... (A. B.)
 Judge of.....Court of.....County, State of Ala-
 bama. Pay inmates and indigent inmates shall receive the same
 care and attention, and no discrimination shall be made in the
 treatment of either class.

Section XI. The Judge of the Court having jurisdiction to
 admit inmates to The Home for Mental Inferiors in each County
 of the State, from time to time, at his own instance, and any
 time his attention may be called to it by the Superintendent of
 The Home for Mental Inferiors, or other person, shall investi-
 gate the financial standing of any indigent inmate in The Home
 from his County and if he shall find him or her able to pay for
 support in The Home, under penalty of the Superintendent's re-
 turning said inmate at the county's expense to his or her home,
 or friends, he shall contract with responsible parties under the
 forms specified in Section 10 hereof for the support of the
 inmate.

Section XII. The committing Judge shall be required to
 furnish such data relative to family and personal history of the
 person being committed as shall be prescribed by the Board of
 Managers in such form or forms as may be furnished him by
 The Home, and the Superintendent may decline to admit an ap-
 plicant for whom the history has not been satisfactorily fur-
 nished along with the commitment paper. The history is neces-
 sary to secure for the patient and the community the best serv-
 ice of The Home. It is best furnished by the family physician
 or a near relative well acquainted with the facts in the case,
 but it shall be the duty of the committing Judge to have the his-
 tory sent with the commitment paper and the patient.

Section XIII. The assistant with the advice and consent of
 the Superintendent shall prescribe for the treatment of the in-
 mates of the home, and if after consultation with the Superin-
 tendent, they deem it advisable they are hereby authorized and
 empowered to sterilize any inmate.

Section XIV. If in the opinion of the Superintendent it is
 deemed proper to parole any inmate of The Home, the Superin-
 tendent may grant a parole to such inmate for any length of
 time deemed advisable and such parole may be revoked at any
 time by the Superintendent when, in his judgment, the condition
 of such inmate shall render such revocation advisable. No
 parole shall be issued to any inmate of The Home unless the
 Superintendent is satisfied that such inmate will be properly
 cared for in a family having means to do so and wherein such
 inmate will find a proper moral and congenial atmosphere. The
 Superintendent may require the person applying for a parole
 of an inmate to sign a written obligation with sureties to prop-
 erly care for and support such inmate while on parole, and to

return said inmate to The Home at his own expense in the event the parole is revoked. The Superintendent must not grant a parole to any inmate unless he is of the opinion that it will not be detrimental to such inmate or to society, and the Superintendent must recall said parole whenever he is satisfied that the welfare of such paroled inmate, or of the community to which said inmate is paroled requires it. If in the opinion of the Superintendent any inmate of The Home is not a mental deficient or inferior as defined in this Act, he (or she) may be permanently discharged by the Superintendent.

Section XV. The building of The Home at Tuscaloosa, Alabama, shall be located by the Superintendent of the Alabama Insane Hospitals by and with the consent and approval of the Board of Managers, on the most eligible site on the land around the Bryce Hospital and as far away from the Hospital building as may be practicable. And the Board of Managers is hereby authorized and empowered to purchase in the name of the State of Alabama any additional land lying near the land of the Bryce Hospitals as may be found necessary for the proper location and conduct of The Home.

Section XVI. The Board of Managers of The Home shall constitute a building committee with power to employ a competent architect to prepare plans and specifications for the buildings necessary for The Home, and to call for bids for the erection of said buildings, to let the contract for such buildings or to employ a qualified contractor to superintend the erection and construction of such buildings under their supervision and control.

Section XVII. The buildings for The Home shall be located, built, and equipped so as to facilitate the proper classification of residents according to age, sex, color and grade of deficiency or inferiority; their employment and training in farming and gardening, mechanics or other useful industries or occupations and to make provisions for schools, church worship, amusement, and diversion that may be conducive to the health, happiness and moral and mental improvement of the inmates.

Section XVIII. The Board of Managers may designate any incorporated bank in Tuscaloosa, as the depository of its funds and may contract with such bank to perform all duties of Treasurer and to pay interest on the daily cash balance to the credit of The Home as the Board of Managers may determine; or the Board of Managers may elect a treasurer, fix the amount of his compensation, designate the amount of bond required of him, pay for its making and designate the bank in which the funds shall be deposited.

Section XIX. Pending the construction of The Home the meetings of the Board of Managers shall be held at the Bryce

Hospital in Tuscaloosa and as many meetings may be held as is found necessary. After The Home has been constructed and occupied, the meetings of the Board of Managers shall be held at The Home as often as may be found necessary but the board shall always meet on the day that the trustees of the Alabama Insane Hospitals meet.

Section XX. The members of the Board of Managers shall be allowed no compensation for their time and service in attending meetings, but shall be reimbursed from the funds of The Home for all necessary expenses incurred in attending the meetings for which The Home must file receipt in each instance as a voucher.

Section XXI $\frac{1}{2}$. The Steward of the Alabama Bryce Insane Hospital shall be the Steward of The Alabama Home with all the powers and duties in reference to The Home as he has to the Hospital.

Section XXI. All laws and parts of laws in conflict with the provisions of this Act shall be and they are hereby repealed.

Section XXII. If any part or section of this Act should be declared unconstitutional such declaration shall invalidate no other parts or sections of this Act.

Section XXIII. This Act shall become effective on and after its passage.

Approved Sept. 29, 1923.

No. 571.)

(S. 165. Oliver.

AN ACT

To provide for the protection of child-caring agencies and institutions in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any dependent or orphan child is placed in the custody or control of any child-caring agency or institution in Alabama by its guardian or next of kin such child-caring agency or institution shall have the exclusive right to the possession, custody and control of such child until such child has attained its majority, or until such agency or institution has discharged such child.

Section 2. Be it further enacted that any person who shall interfere with such custody and control, or who shall by force remove such child from such custody and control, or who shall entice any such child away from such custody and control, or who shall harbor and detain any such child from such custody and control, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than one thousand dol-

lars or by imprisonment at hard labor for not more than twelve months, one or both, at the discretion of the court or jury trying the case.

Section 3. And provided that nothing in this act shall be so construed as to interfere with the duties and powers of the State Child Welfare Department, nor with the powers or discretion now vested in any court to award the custody of children.

Section 4. That all laws and parts of laws in conflict with the foregoing provision be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 572.)

(S. 358. Brower.

AN ACT

To provide for the relief of Arthur Greenwood, Spiro Greenwood, and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe.

Be it enacted by the Legislature of Alabama:

Section 1: That the State Auditor be and he is hereby required to draw his warrant on the State Treasurer for the sum Five Hundred and Ninety-eight (\$598.00) dollars, payable to the said Arthur Greenwood, Spiro Greenwood and Harry Greenwood partners doing business under the style and firm name of Greenwood Cafe, payable out of any funds in the State Treasury not otherwise appropriated.

Section 2: That it shall be the duty of the State Treasurer to pay said warrant out of any money in the State Treasury not otherwise appropriated.

Approved Sept. 29, 1923.

No. 573.)

(H. 510. R. E. Smith of
Jefferson.

AN ACT

To amend "An Act to regulate inferior courts in cities having more than thirty-five thousand population, according to the last Federal census, or any subsequent Federal census, to prescribe the jurisdiction of such courts and provide for the number and compensation of the judges for said courts, and to provide for the appointment and compensation of the clerks, assistant clerks, bailiffs and other officers thereof, and to abolish the office of the justice of the peace in said cities." Said Act having been approved September 25, 1915.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That Section 2 of said Act shall be and is hereby amended so as to read as follows: That such inferior courts or courts of common pleas shall have jurisdiction in all civil matters which the Justices of the Peace have under the law in all

precincts lying within, or partly within the limits of such city wherein such court is established and shall have criminal jurisdiction of all misdemeanors and shall have such concurrent civil jurisdiction of all matters or causes arising beyond the corporate limits of said cities with the Justices of the Peace, and shall have such criminal and civil jurisdiction in the beats or precincts which adjoin or abut the said precinct or beat in which the city is located in which said court is established, provided that such court shall not have such concurrent criminal jurisdiction over any such abutting precinct where such abutting precinct abuts a precinct wherein is located a municipality other than the municipality for which in lieu of Justices of the Peace such inferior court was established and created: provided, however, that in such adjoining or abutting precinct which is or which may be within the jurisdiction of a branch or division of the circuit court which is held at some other place other than at the county site, and at such place, such division of said circuit court has jurisdiction of offenses arising within such territory that the said court herein provided for shall have in such abutting or adjoining beats or precincts concurrent jurisdiction of said offenses and cause of actions arising therein, with the inferior court or court of misdemeanors, which is located, or which may be hereafter located, by law, at such place of holding a division of the circuit court other than the county site. Said courts shall also have concurrent jurisdiction of all said misdemeanors over the entire county, except as herein above provided, and also except in that part or portion of the county wherein a division of the circuit court is held other than at the county site and where by law the causes of action arising are tried at such place other than at the county site.

Section 2. That Section 4 of said Act shall be and is hereby amended so as to read as follows: Each judge of such court may appoint a clerk for his division of court, who shall hold office at the will of the judge appointing him and who shall exercise and perform all the duties and powers conferred and required by law of clerks of said court. Such Clerk or his deputy shall have the power and authority concurrent with the judge of such court to take affidavits, issue warrants of arrest, and commitments, to the same extent and in the same manner as is now prescribed by law for such judge. And such clerk shall give bond in the sum of \$2,000.00, conditioned and payable as the bond of Clerks of the Circuit Court, which bond shall be recorded in the office of the Judge of Probate, and who shall receive a salary of \$2,100.00 per annum, payable in monthly installments out of the county treasury, by warrant drawn by the judge.

Section 3. That Section 7 of said Act be amended so as to read as follows: That the judge or judges of said courts are

hereby authorized and empowered to appoint bailiffs for said court, provided there shall be only one bailiff appointed by each judge, who shall hold office during the term of said judge and may be discharged at his will and pleasure, said bailiffs shall have the same duties, power, and authority as is now conferred by law upon a deputy sheriff and they shall be under the direction, control, and authority of the judge of said court and shall receive as compensation \$150.00 per month, payable from the county treasury on warrants drawn by the judge appointing him; for his services there shall be collected in the same manner and amounts as are now allowed by law for like services and fees when performed by constables or sheriffs respectively, and when so collected shall be paid into the general fund of said county. Such bailiff shall give bond in the sum of \$1,000.00 conditioned and payable as constable's and sheriff's bonds as provided by law.

Section 4. That Section 10 of said Act is hereby amended so as to be as follows: That the circuit solicitor of said county or circuit shall appoint a deputy-solicitor to prosecute misdemeanors and preliminary investigations of felonies in such courts, and when required by such circuit solicitor, such deputy-solicitor shall perform such further and other duties in connection with such prosecution as may be directed. Such deputy solicitor shall reside and maintain his office within the precinct for which said court was originally established, and shall receive a salary of \$1,800.00 per annum, payable in equal monthly installments out of the general fund of the county, upon warrants drawn by the circuit solicitor on the treasury of said county. Such deputy solicitor shall be under supervision, direction and control of the circuit solicitor appointing him and shall hold the office during the term of such circuit solicitor and may be removed by him at his will and pleasure. There shall be taxed as a part of the cost in each misdemeanor prosecution the sum of \$5.00 as solicitor's fees and \$10.00 in each felony cost and when collected shall be paid into the general fund of said county.

Section 5. That the provisions of this Act shall not apply to any county in this State having less than 100,000 population, as shown by the last Federal census.

Section 5½. Provided further that this act shall apply to or affect only such courts as now have by law, civil and criminal jurisdictions, and shall not apply to or affect the jurisdiction, or power, or authority of any such courts upon which is conferred jurisdiction in criminal causes only, nor to any such courts upon which is conferred jurisdiction in civil causes only.

Section 6. That if any Section, clause, or provision of this Act be declared to be unconstitutional or held invalid, it shall

not be held to affect any other section, clause or provision but the same shall remain in full force and effect.

Section 7. This law shall go into effect immediately upon its passage and approval.

"Sec. 7 $\frac{1}{2}$. Provided, that the jurisdiction of said court shall not vest or extend over any territory now within the jurisdiction of any other inferior court or court of misdemeanors which is located or situated within any other municipality or city other than such city or municipality where this court is located or situated."

Section 8. All laws and parts of laws, general, special or local, in conflict herewith be and the same are hereby repealed.

Approved Oct. 1, 1923.

No. 574.)

(H. 527. Goodwyn.

AN ACT

"To Limit The Amount Of Licenses Or License Tax To Be Paid By Fire Insurance Companies To Municipalities Having A Population Of Less Than 100,000, According To The Last Preceding Federal Census Including Payments Or Contributions Required To Be Made To Any Firemen's Compensation Or Relief Funds In Such Municipalities."

Be it enacted by the Legislature of Alabama as follows:

Section 1: That no fire insurance company doing business in any municipality in this State having a population of less than 100,000, according to the last preceding Federal Census, shall be required to pay to such municipality for any license or license tax, a sum greater than four per centum of its gross premiums, less return premiums, received by such company on risks in such municipality, including any sum, or sums, required to be paid or contributed by such insurance company to any Firemen's Compensation, or Relief Fund in such municipality. Provided that no license or privilege tax, or other charge for the privilege of doing business, shall be imposed by any municipal corporation on any fire insurance company writing industrial insurance.

Section 2: That all laws and parts of laws in conflict herewith be and are hereby repealed.

Approved October 1, 1923.

No. 575.)

(H. 552. Culver.

AN ACT

To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That no person shall be eligible for appointment by any county board of education or for political party nomination or for election to the office of county superintendent of education of any county who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education, with at least one year of additional study of college grade and proof of three years of successful teaching experience; provided that the provisions of this Section shall not apply to county superintendents of education in office at the time of the passage of this Act.

Section 2. That before any person shall become an applicant for employment by a county board of education, as county superintendent of education, and before any person shall qualify as a candidate for the office of county superintendent of education for a county in which such officer is elected by the qualified voters of the county, such person shall make affidavit that he or she has and possesses the qualifications prescribed in Section 1 of this Act; which said affidavit shall be filed with the Judge of Probate of the county where he or she seeks the office of county superintendent of education, and the same shall be recorded in a permanent record kept for that purpose. At the Grand Jury of the county assembled next after the making of such affidavits the record of the same shall be submitted to the Grand Jury. In any prosecution for perjury under this Act the record of the affidavit shall be admissible in evidence.

Section 4. All laws and parts of laws, general, special or local, in conflict herewith be and the same are hereby repealed.
Approved Oct. 1, 1923.

No. 576.)

(H. 860: Poole.

AN ACT

To designate a certain public road of Alabama as a State trunk road and to provide for the location thereof and the manner in which said road shall be located, improved and maintained.

Be it enacted by the Legislature of Alabama.

Section 1. That the following described road be declared a State trunk road, Road No., that certain road designated and described as follows: Beginning at Greenville, Butler County, Alabama, along what is known as the Greenville and Georgiana road to Georgiana, Alabama, thence through the towns of McKenzie and Evergreen and thence to Brewton, Alabama.

Section 2. That the road between the points mentioned in section one of this Act shall be located and established throughout its entire length on the east side of the Louisville and Nash-

ville railroad, and said road shall be established and located by the State Highway Department as early as practicable, and without unnecessary delay. And the improvement and maintenance of said road as one of the State Trunk roads, shall be in accordance with the standards established by the State Highway Department and subject to the approval of the State Highway Department.

Section 3. That all laws and parts of laws, local, general and special in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 577.)

(H. 958. L. K. Bowen
of Jefferson.

AN ACT

To repeal an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision." Approved September 22, 1915.

Be it enacted by the Legislature of Alabama: That an Act entitled an Act: "To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision." Approved September 22, 1915, be and the same is hereby repealed.

Approved Sept. 29, 1923.

No. 578.)

(H. 110. Gaines.

AN ACT

To Permit Purchases Mortgagee or Lien Holder to Pay Proportionate or Ratable Amount of Taxes on Real Estate Sold to Him or Subject to his Mortgage or Lien in Certain Cases, Without Paying Entire Taxes which are a Lien upon Such Property.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That any lien holder or mortgagee of real estate included in an assessment with other real estate of the person or corporation to whom the real estate was assessed or subject to the lien of taxes upon other real estate may pay the proportionate or ratable part of taxes upon such real estate purchased by him or subject to his lien or mortgage without paying the entire amount of taxes due by the person to whom such real estate is assessed, if such person to whom such real estate is assessed, or for whose taxes said sold or encumbered property is subject to tax lien, has sufficient other real estate or personal property returned or assessed and subject to levy or sale out of

which the remainder of the taxes may be collected by the Tax Collector, provided that the portion of the real estate sought to be redeemed is valued separately in the assessment, if it be less than all the real estate included in the assessment.

Section 2. That all laws or parts of law in conflict herewith be and the same are repealed.

Approved October 1, 1923.

No. 579.)

(H. 700. Byars.

AN ACT

To propose an amendment to the Constitution of Alabama permitting certain school districts in Lawrence County, Alabama, to levy and collect for school purposes a tax of five mills in addition to all taxes now authorized.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit: Town Creek School District No. 59, Landersville School District No. 23 and Moulton School District No. 28 in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over five mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conducting of elections to determine whether or not a three mill district school tax shall be levied and collected.

Section 2. This amendment shall be submitted to the qualified voters of the state at the general election held in the year 1924.

Approved October 1, 1923.

No. 580.)

(H. 679. Luck.

AN ACT

To amend Section 3 of an Act entitled "An Act to provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors; prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That section 3 of an Act entitled "An Act to provide for the election of a Solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment

or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation." approved September 25, 1915, be amended so as to read as follows: Sec. 3. Every solicitor elected under the provisions of this Act shall perform all such duties and exercise all such powers as may be prescribed by law, and receive an annual salary of Three Thousand Six Hundred Dollars (\$3,600.00), payable monthly out of the State Treasury; provided, that in circuits that are composed of only one county, in which there are two and not more than five judges, the salary of said circuit solicitor shall be Fifty-Seven Hundred Dollars (\$5700.00) per annum, thirty-six hundred dollars of which shall be paid out of the State Treasury, as other circuit solicitors are paid, and the remainder shall be paid out of the county treasury of such county, in equal monthly installments, on the warrant of such solicitor. Provided however that in Circuits that are composed of only one county in which there are five or more Circuit Judges the salary of the Circuit Solicitor shall be Six Thousand Dollars per annum, Thirty-Six Hundred Dollars of which shall be paid out of the State Treasury as other Circuit Solicitors are paid and the remainder to be paid out of the County Treasury of such County in equal monthly installments on the warrant of such solicitor. Provided, that this Act shall not go into effect until the first Monday after the second Tuesday in January 1927.

Approved Sept. 29, 1923.

No. 582.)

(H. 1005. Tunstall.

AN ACT

To make appropriation for the ordinary expenses of the offices of the Governor, the Attorney General, the Judiciary Department, and the interest on the public debt, the State Security Commission, the Public Service Commission and the Department of Archives and History.

Be it enacted by the Legislature of Alabama: The several sums of money or so much of every sum as may be necessary be and the same are hereby appropriated for the purpose hereinafter specified, to be paid out of any money in the State Treasury; for the fiscal years ending respectively on the 30th day of September 1924, 1925, and 1926. (1) For compensation of the Governor Seventy-five Hundred Dollars (\$7500) for every year. (2) For compensation of Private Secretary to the Governor Three Thousand Six Hundred Dollars (\$3600) for every year. (3) For compensation of recording Secretary to the Governor Twenty-Four Hundred Dollars (\$2400) for every year. (4) For compensation of a clerk to the Governor Eighteen Hundred Dollars (\$1800) for every year. (5) For compensation of a clerk and stenographer to the Governor Twelve Hundred Dollars (\$1200) for every year. (6) For

compensation of four servants in the executive offices and departments Six Hundred Dollars (\$600) each for every year. (7) For compensation of a watchman and keeper of capitol grounds Twelve Hundred Dollars (\$1200) for every year. (8) For compensation of four watchmen at the Capitol Twelve Hundred Dollars (\$1200) each for every year. (9) For the contingent fund of the Governor Twenty Thousand Dollars (\$20,000) for every year. (10) For compensation of the Attorney General for all duties required or performed Six Thousand Dollars (\$6000) for every year. (11) For compensation of a Special Assistant Attorney General employed for entire time Four Thousand Dollars (\$4000) for every year. (12) For compensation of two Assistant Attorneys General Three Thousand Dollars (\$3000) each for every year. (13) For compensation of one Assistant Attorney General Twenty-one Hundred Dollars (\$2100) for every year. (14) For compensation of two stenographers in office of the Attorney General Fifteen Hundred Dollars (\$1500) each for every year. (15) For compensation of one stenographer in office of Attorney General Thirteen Hundred and Twenty Dollars (\$1320) for every year. (16) For compensation of the Chief Justice and Six Associate Justices of the Supreme Court Sixty-Five Hundred Dollars (\$6500) each for every year. (17) For compensation of the Presiding Judge and Two Associate Justices of the Court of Appeals, Six Thousand Dollars (\$6000) each for every year. (18) For compensation of the Clerk of the Supreme Court Thirty-six Hundred Dollars (\$3600) for each year. (19) For compensation of the Assistant Clerk of the Supreme Court Two Thousand Dollars (\$2000) for every year. (20) For compensation of the Stenographer of the Clerk of the Supreme Court One Thousand Twenty Dollars (\$1020) for every year. (21) For Clerk of the Court of Appeals Three Thousand Dollars (\$3000) for every year. (22) For Secretary of the Court of Appeals Nineteen Hundred Dollars (\$1900) for every year. (23) For compensation of the Marshall and Librarian of the Supreme Court Three Thousand Dollars (\$3000) for every year. (24) For compensation of the Assistant Librarian of the Supreme Court One Thousand Five Hundred Dollars (\$1500) for every year. (25) For compensation of two Secretaries of the Supreme Court Two Thousand Dollars (\$2000) each for every year. (26) For compensation of Servant of the Supreme Court Six Hundred Dollars (\$600) for every year. (27) For compensation of the Secretary to the Chief Justice of the Supreme Court Twelve Hundred Dollars (\$1200) for every year. (28) For compensation of the Reporter of Decisions of the Supreme Court and of the Court of Appeals Thirty-six Hundred Dollars (\$3600) for every year. (29) For compensation of the Stenographer to the Reporter of Decisions of the Supreme

Court and the Court of Appeals One Thousand Twenty Dollars (\$1020) for every year. (30) For compensation of thirty-seven Circuit Judges Four Thousand Dollars (\$4000) each for every year. (31) For compensation of twenty-two Circuit Court Solicitors Twenty-four Hundred Dollars (\$2400) each for every year. (32) For interest on bonded indebtedness to be disbursed annually on the order of the Governor Three Hundred and Thirty-nine Thousand Seven Hundred and Twenty Dollars (\$339,720) for every year. (33) For Governor's Interest Contingent Fund One Hundred Thousand Dollars (\$100,000) for every year. (34) For Interest on Constitutional Loans Fifteen Thousand Dollars (\$15,000) for every year to be disbursed on the order of the Governor. (35) For the repair and upkeep and new furnishings of the Governor's mansion to be expended by the Governor of the State and only for actual repairs, additions or furnishings made thereon, the sum of Five Hundred Dollars (\$500) for every year. (36) For fuel, lights and water in the Capitol Eighteen Thousand Dollars (\$18,000) for every year. (37) For postage and post office box rent for the several executive offices, departments, commissions, bureaus and boards, the Supreme Court, the Court of Appeals, and the Supreme Court Library, Ten Thousand Dollars (\$10,000) for every year. (38) For stationery and office supplies including typewriters for the several executive offices, departments, commissions, bureaus and boards and the Supreme Court, the Court of Appeals and the Supreme Court Library Twenty Thousand Dollars (\$20,000) for every year. (39) For repairing and refurnishing the capitol building and grounds Ten Thousand Dollars (\$10,000) for every year, or so much thereof as may be necessary. (40) For public printing and binding of the several executive judicial and legislative departments of the State Fifty-Thousand Dollars (\$50,000) or so much thereof as may be necessary for each and every year. (41) For Telephone and Telegraph service for the several executive offices, departments, commissions, bureaus and boards and the Supreme Court, the Court of Appeals and the Supreme Court Library, and the rental of the telephone exchange at the Capitol Five Thousand Dollars (\$5000) for every year. (42) For Insurance on the Capitol furnishings therein and the Supreme Court Library Five Thousand Dollars (\$5000) for every year, to be expended only by and with the approval of the Governor. (43) For the arrest of absconding felons Three Thousand Dollars (\$3000) for every year or so much thereof as may be necessary. (44) For removal of prisoners Seventy-five Hundred Dollars (\$7500) for every year or so much thereof as may be necessary. (45) For distributing the public documents of the several executive judicial and legislative departments of

the State Eighteen Hundred Dollars (\$1800) for every year, or so much thereof as may be necessary. (46) For feeding prisoners in the county jails One Hundred Sixty Thousand Dollars (\$160,000) for every year or so much thereof as may be necessary. (47) For the publication of the Governor's proclamations Seventy-Five Hundred Dollars (\$7500) for every year, or so much thereof as may be necessary. (48) For premiums on official bonds Twenty-five Hundred Dollars (\$2500) for every year or so much thereof as may be necessary. (49) For compensation of the President of the State Securities Commission Fifteen Hundred Dollars (\$1500) for every year. (50) For compensation of the Two Associate Commissioners of the State Securities Commission Fifteen Hundred Dollars (\$1500) each for every year. (51) For compensation of One Secretary of the Examiner or Assistant of the State Securities Commission, Two Thousand Four Hundred Dollars (\$2400) for every year. (52) For compensation of One Stenographer of the State Securities Commission Twelve Hundred Dollars (\$1200) for every year. (53) For compensation of the President of the Public Service Commission Thirty-five Hundred Dollars (\$3500) for every year. (54) For compensation of Two Associate Commissioners of the Public Service Commission, Three Thousand Dollars (\$3000) each for every year. (55) For compensation of the Director of the Department of Archives and History Four Thousand Dollars (\$4000) for every year. (57) For compensation of the Chief Clerk in the Department of Archives and History Two Thousand Dollars (\$2000.00) for every year. (63) For compensation of two Deputy Solicitors Eighteen Hundred Dollars (\$1800) each for every year. (64) For compensation of two Deputy Solicitors of the Tenth Circuit Twenty-four Hundred Dollars (\$2400) each for every year. (65) For compensation of presidential electors and for a messenger for 1924, the sum of Eight Hundred Dollars (\$800) or so much thereof as may be necessary. (66) For maintenance and expenses of the department of Archives and History, thirteen thousand dollars, (\$13,000) for each year. (67) That all expended balances at the end of each fiscal year, shall be reapportioned to each State officer, department, commission, board or institution for the full period of one calendar month after the last day of September of each fiscal year, to be used only to liquidate liabilities incurred and unpaid prior to the last day of September of the fiscal year according to schedule, which must be prepared by each State officer, department, commission, board or institution which shall show the actual liabilities existing upon the expiration of the aforesaid calendar month for which such unexpended balances have been used to liquidate liabilities incurred and unpaid in strict accordance

with the schedule submitted by each State officer, department, commission, board or institution prior to the last day of September of the fiscal year, any and all unexpended balances shall revert to the State Treasury. (68) That for the payment of all obligations of the State not herein specifically enumerated, such annual sum as may be necessary is hereby appropriated, and that wherever any office has been created, or wherever the salary of any existing officer has been increased and the money has not been expressly appropriated to pay the salaries of the officers whose offices have been created or to pay the salaries which have been so increased, or when the appropriation made to any institution on a per capita basis is not sufficient to give the said institution the amount to which it is entitled on such per capita basis, or any salary or compensation of an officer or employee has been omitted from an appropriation bill or for which no express compensation has been provided, such sum or sums as may be necessary to pay the same at the rate or in the manner required by the existing laws is hereby appropriated.

Approved Sept. 29, 1923.

No. 584.)

AN ACT

(H. 1058. Grove.

To provide that no apprentice pilot who has successfully passed an examination for a Mobile Bay and Bar Pilot, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and Bar Pilot, notwithstanding the Board or Commission under which said person was examined has been abolished.

Be it enacted by the Legislature of Alabama:

Section 1:—That no apprentice pilot who has successfully passed an examination for a Mobile Bay and Bar Pilot, shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and Bar Pilot, notwithstanding the Board or Commission under which said person was examined has been abolished.

Section 2:—This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law under the Constitution of Alabama without the Governor's approval.

Approved Sept. 29, 1923.

No. 585.)

AN ACT

(H. 805. Powell.

To submit to the qualified electors of the State at the general election to be held in November, 1924, an amendment to the Constitution for the purpose of authorizing Walker county, Alabama, to levy and collect a spe-

cial road tax not exceeding fifty cents on each one hundred dollars worth of taxable property in said county, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

Be it enacted by the Legislature of Alabama:

1. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at the general election to be held in November, 1924, at which the amendment shall be proposed, to-wit: Article..... "Section 1. The County of Walker, State of Alabama, shall have power to levy and collect a special county road tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such county in addition to that now authorized or that may hereafter be authorized for public road purposes; provided, that of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election. Section 2. Twenty-five per centum of all moneys derived from property lying within municipalities and arising from the tax proposed herein shall be paid to such municipality and shall, by it, be expended for upkeep of its streets. Section 3. The Court of County Commissioners, boards of revenue, or other governing body of said county may, or upon written petition of ten per centum of the qualified voters of Walker County, shall call and submit said election provided for and authorized by section one hereof to the qualified electors of Walker County either at the time of the general election or at a special election called for that purpose; provided, that said election shall be called and held in accordance with the law now or that may be enacted governing county bond elections, and in conformity with the general election laws of the State.

2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the said election on the amendment proposed by this Act to be submitted to the qualified electors of the County for their ratification or rejection.

3. That at the general election to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, namely: Shall the following be adopted as Article..... of the Constitution of Alabama? "Section 1." The County of Walker, State of Alabama, shall have power to levy and collect a special road tax not exceeding fifty cents on each hundred dollars worth of taxable property

in said county in addition to that now authorized or that may hereafter be authorized for the erection, construction, or maintenance of the necessary public roads, bridges or ferries and in addition to that now authorized under Section 215 of Article XI of the Constitution, which special county tax so levied and collected shall be applied exclusively to the purpose for which the same was so levied and collected; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election."

4. The officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold other general elections in the State, and the election shall be held in all respects in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

5. That the votes cast at said election shall be counted, canvassed, and returns made thereof to the Secretary of State in the same manner as in elections for representatives to the Legislature. The result of said election shall be made known by proclamation of the Governor, and if a majority of all the qualified electors who voted at said election upon the proposed amendment shall have voted "Yes" said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the Constitution of Alabama and as an Article thereof.

6. Residents of Walker County, residing outside of municipal corporations, shall be exempt from public road work and the payment of per capita tax in commutation of road work or services.

Approved Oct. 6, 1923.

No. 586.)

AN ACT

(S. 266. Hutson.

To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. Any person who shall wilfully and maliciously make, circulate or transmit to another or others any false, libelous or slanderous statement, rumor or suggestion written, printed, or by word of mouth, which is directly or by inference derogatory to the financial condition, or affects the solvency or financial standing of any bank doing business in this State, or

who shall counsel, aid, procure or induce another to start, transmit or circulate any such statement or rumor shall be guilty of a misdemeanor.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved Sept. 29, 1923.

No. 587.)

(S. 191. Inzer.

AN ACT

Providing for the execution of convicts, condemned to death, by electrocution, prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Sec. 1. Where the sentence of death is pronounced against a convict; the sentence shall be executed at any time before the hour of sunrise on the day set for the execution, not less than thirty nor more than one hundred days from the date of sentence, as the court may adjudge, by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of such convict until such convict is dead.

Sec. 2. The warden of Kilby Prison at Montgomery or in case of his death, disability or absence, his deputy shall be the executioner. In the event of the death or disability or absence of both the warden and deputy the executioner shall be that person appointed by the Board of Convict Supervisors for that purpose; provided, however, that up to and including January 1, 1927, the executioner shall be the Sheriff from the county in which such convict is condemned to death or shall be the Deputy of such sheriff or in the absence or disability of such sheriff or his deputy, shall be such other person as may be appointed by the Board of Convict Supervisors for that purpose, and provided further, that such sheriff, his deputy or such other person as may be appointed by the Board of Convict Supervisors to act as executioner as provided in this section shall receive for such service the same amount as is now paid by law to Sheriffs for the execution of criminals.

Sec. 3. Whenever any person is sentenced to death, the clerk of the court in which the sentence is pronounced, shall, within ten days after sentence has been pronounced, issue a warrant under the seal of the court for the execution of the sentence of death, which shall recite the fact of conviction, setting forth specifically the offense, the judgment of the court, the time fixed for his execution, and directed to the warden of Kilby Prison at Montgomery, commanding him to proceed, at the time

and place named in the sentence, to carry the same into execution, as provided in Section 1 of this Act, and shall deliver such warrant to the sheriff of the county in which such judgment of conviction was had to be by him delivered to the said warden together with the condemned person, as provided in the following section.

Sec. 4. Immediately upon the receipt of such warrant, the sheriff shall transport such condemned person to Kilby Prison at Montgomery, and shall there deliver him and the warrant aforesaid into the hands of the warden and shall take from the warden his receipt for such person and such warrant, which receipt the sheriff shall return to the office of the clerk of the court where the judgment of death was rendered. For his services, the sheriff shall be entitled to the same compensation as now provided by law to sheriffs for removing or conveying prisoners.

Sec. 5. Upon the receipt of such condemned person by the warden of Kilby Prison, he shall be confined therein until the time for his execution arrives, and while so confined, all persons outside the said prison shall be denied access to him except his physician and lawyer, who shall be admitted to see him when necessary to his health or for the transaction of business, and the relatives, friends and spiritual advisors of the condemned person, who shall be admitted to see and converse with him at all proper times, under such reasonable rules and regulations as may be made by the Board of Convict Supervisors.

Sec. 6. The execution shall take place inside the walls of Kilby Prison at Montgomery, in a room arranged for that purpose. It shall be the duty of the Board of Convict Supervisors of this State to provide the necessary room and appliances to carry out the electrocution as provided in this Act.

Sec. 7. The following persons may be present at the execution and none other: the executioner and such persons as may be necessary to assist him in conducting the execution; the Board of Convict Supervisors, two physicians, including the prison physician; the spiritual advisor of the condemned; the chaplain of Kilby Prison; such newspaper reporters as may be admitted by the warden; and any of the relatives or friends of the condemned person that he may request, not exceeding five in number, shall be admitted, provided no convict shall be permitted by the prison authorities to witness the execution.

Sec. 8. If the person condemned escape after sentence and before his delivery to the warden, and be not rearrested until after the time fixed for execution, any person may arrest and commit him to the jail of the county in which he was sentenced; and thereupon the court by whom the condemned was sentenced, either in term time or vacation, or notice of such arrest being

given by the sheriff, shall again appoint a time for the execution, not less than thirty days from such appointment which appointment shall be by the clerk of said Court immediately certified to the warden of Kilby Prison and such clerk shall place such certificate in the hands of the sheriff, who shall deliver the same, together with the warrant aforesaid and the condemned person, to the warden who shall receipt to the Sheriff for the same and proceed at the appointed time to carry the sentence of death into execution as hereinabove provided.

Sec. 9. If the condemned person escape after his delivery to the warden, and be not retaken before the time appointed for his execution, any person may arrest and commit him to Kilby Prison, whereupon the warden shall certify the fact of his escape and recapture to the court in which sentence was passed; and the court, either in term time or vacation, shall again appoint a time for the execution, which shall be not less than thirty days from the date of such appointment; and thereupon the Clerk of such court shall certify such appointment to the warden, who shall proceed at the time so appointed to execute the condemned, as hereinabove provided.

Sec. 10. When execution of sentence is suspended or respite to another date, the same shall be noted on the warrant and on the arrival of such date the warden shall proceed with such execution; and if he should be pardoned, or his sentence commuted by the Governor, no execution shall be had, but in such case, as well as when the sentence is executed, the warden shall return the warrant and certificate, with a statement of any such act and with his proceedings endorsed thereon, together with the statement that the body of the convict was decently buried or delivered to his relatives or friends, naming them, or to some other person, by consent of the convict, naming such person, and naming two or more witnesses to the fact that the convict consented that his body might be delivered to such person, to the clerk of the court in which sentence was passed, who shall record said warrant and return in the minutes of the court. The State shall pay transportation charges of the body, back to the home of the condemned person where his or her family or friends cannot pay such expenses, this fact to be determined by the Board of Convict Supervisors.

Section 11. On or before the first day of October, 1926, the Board of Convict Supervisors shall begin the construction of such necessary room or building as may be required to carry out the provisions of this Act, and shall continue such construction until said room or building is completed; and said Board of Convict Supervisors shall also, on or before the said 1st day of October, 1926, contract for the purchase of such necessary appliances as may be required to carry out the provisions of this

Act; and when the execution of a person sentenced to the punishment of death is set for a day subsequent to the last day of February, 1927, the execution of such sentence must be as provided in this Act; but when the execution of such sentence is set for a day prior to the 1st day of March, 1927, the execution of such sentence must be as now provided by Article 7 of Chapter 278 of the Code of 1907.

Sec. 12. That sections 7639, 7640, 7641, 7642, 7643, 7648, 7649, 7650, 7651, and 7652 of Article 7 of Chapter 278 of the criminal Code of 1907, be and the same are hereby specifically repealed and that all laws, and parts of laws, in conflict herewith are hereby repealed.

Approved Sept. 29, 1923.

No. 588.)

(S. 326. Pelham.

AN ACT

To provide for the construction and operation of fish cultural stations in the State of Alabama; to provide for the acquisition of suitable areas in the name of the State; to provide for the administration and management of fish cultural stations; to provide for payment of employees; to provide for a fishing license, and for other purposes.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the Commissioner of Game and Fisheries, with and by the consent of the Governor, shall proceed to acquire in fee simple title to the State, or to lease, or to make such other arrangements as may be found more effective and advantageous, such lands or tracts, streams, springs, water-courses, or ponds, as may be deemed suitable for the purpose, and thereupon shall proceed to raise or propagate such quantities and species of edible game fish as are possible to raise.

Sec. 2. That the young fish, fry or fingerling, so raised at or in the said fish cultural stations, shall be distributed without cost for said young fish to citizens of Alabama for restocking appropriate and suitable public streams, lakes or ponds of this State, said quantities and methods of distribution to be under regulation of the Commissioner of Game and Fisheries.

Sec. 3. The Commissioner of Game and Fisheries shall be authorized and empowered to make such improvements upon property acquired by the State for fish cultural stations as, in his opinion, he deems necessary for the successful propagation of edible game fish, to employ help and assistance, to purchase or otherwise acquire brood fish, to make such necessary expenditures in connection with such fish culture as may be needful.

Sec. 4. That for the purpose of carrying out the provisions of this Act, there is hereby imposed fishing license fees as fol-

lows: Every non-resident of the State who fishes with hook and line, troll fly, spinner or substitute therefor, in any of the fresh waters of this State, shall pay \$5.00 for a State fishing license, which license shall be issued under the same regulations and in like manner as hunting license are issued.

Sec. 6. That all fishing licenses issued under the provisions of this Act shall be dated when issued and shall authorize the person named therein to fish from October 1st to September 30th, following, and then only within the regulations and restrictions provided by law.

Sec. 7. That the Commissioner of Game and Fisheries shall have printed license blanks and applications under the same regulations and in like manner as hunting licenses, and shall furnish same to Judges of Probate who shall issue to applicant, or applicants, fishing licenses as provided by law, provided that the Commissioner of Game and Fisheries may issue fishing licenses when application is made directly to the Department of Game and Fisheries.

Sec. 8. That the Judge of Probate shall retain, of the money received of each license issued, the sum of fifteen cents, which shall cover the swearing of the applicant to an affidavit the same as required when an applicant applies for a hunting license, and shall pay the balance to the Commissioner of Game and Fisheries on the 1st day of each month, which amount shall be remitted at once by the said Commissioner to the State Treasury and there placed in a special fund to be known as the "Fish Hatchery Fund."

Sec. 9. That the expenses incurred for any purpose by the provisions of this Act, shall be limited to the amount of money in the State Treasury to the credit of the Fish Hatchery Fund, hereinafter provided for, but in no event shall the State pay any salary or expenses, or be liable in any manner therefor except to the extent of such funds, provided that said fund shall be used solely and exclusively in the propagation and distribution of edible game fish and expenses connected therewith; and if at the end of any fiscal year there be a surplus it shall be carried over into the next succeeding fiscal year to be spent in the further development of fish culture and propagation in the State of Alabama.

Sec. 10. That in order to better conserve and protect the fish in the fresh waters of this State, it is hereby declared a violation of law and shall constitute a misdemeanor to take, catch, kill or be in possession of any bass, trout or bream, from the fresh waters of this State, from the 1st day of April to June 1st, following, in each year.

Sec. 10½. It shall be unlawful to take, catch, kill or have in possession at any time, any fresh water trout less than seven

inches in length and if in fishing with small fish, shall inadvertently be caught they shall be immediately replaced in the water.

Sec. 11. That the Commissioner of Game and Fisheries is hereby authorized and empowered to enforce the provisions of this Act under the same regulations and in the same manner as any other game and fish laws are enforced in the State of Alabama, and all cases arising out of alleged violations of the provisions of this Act shall be tried in the same courts having jurisdiction in all misdemeanor cases.

Sec. 12. That upon conviction for a violation of any of the provisions of this Act, not otherwise provided for, there shall be imposed a fine of not less than \$25.00 nor more than \$100.00 for each offense, and half of said fine shall be paid by the court, collecting same, to the informer other than a salaried game warden, or agent, and the other half shall be remitted to the Commissioner of Game and Fisheries, who shall at once make remittance to the State Treasurer who shall cover said remittance into the State Treasury to the credit of the Fish Hatchery Fund; provided that where there is no informer other than a salaried warden, or agent, the entire amount of the fine shall be remitted to the Commissioner of Game and Fisheries, which shall be by him covered into the State Treasury to the credit of the Fish Hatchery Fund.

Sec. 13. That there is hereby created a fund to be known as the "Fish Hatchery Fund," and all revenues arising from the sale of fishing licenses and from fines, penalties and forfeitures from violations of any of the fishing laws shall be forwarded to the Commissioner of Game and Fisheries, and by him covered into the State Treasury to the credit of said Fish Hatchery Fund.

Sec. 14. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Sec. 15. This Act shall take effect upon its passage and approval by the Governor.

Approved Sept. 29, 1923.

No. 589.)

AN ACT

(S. 55. Hildreth.

To amend Section 3052 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That Section 3052 of the Code of Alabama of 1907 be amended so as to read as follows: 3052. Jurisdiction of Equity Courts,—The powers and jurisdiction of Courts of Equity extend—1. To all civil causes in which a plain and

adequate remedy is not provided in the other judicial tribunals. 2. To all cases founded on a gambling consideration, so far as to sustain a bill of discovery and grant relief. 3. To subject an equitable title or claim to real estate, and generally all equitable assets to the payment of debts. 4. To such other cases as may be provided by law. 5. To establish and define uncertain or disputed boundary lines whether the bill contains an independent equity or not.

Approved October 1, 1923.

No. 590.)

(S. 130. Waddell.

AN ACT

"To repeal An Act entitled An Act to amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of Section eight (8) of An Act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith;

to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this Act' approved September 28, 1915" approved February 17, 1919, insofar as the same applies to cities and towns having a population of less than 40,000 according to the last or any succeeding Federal census.

Section 1. *Be it enacted by the Legislature of Alabama:* That an Act entitled "An Act to amend the title and sections One (1), three (3), four (4), fifteen (15) and (29), and paragraphs B and D of Section eight (8) of an Act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof, to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physi-

cian in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act,' approved September 28, 1915," approved February 17, 1919, be and the same is hereby repealed, in so far as the same applies to cities and towns having a population of less than 40,000 according to the last or any succeeding Federal census.

Approved Oct. 1, 1923.

No. 592.)

(S. 400. Teasley.

AN ACT

To fix the compensation or salaries to be paid the judges of probate, sheriffs, tax collectors, tax assessors, and members of courts of county commissioners or boards of revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers, as other monies belonging to said counties are paid.

Be it enacted by the Legislature of Alabama:

Section 1. That the judges of probate, sheriffs, tax collectors, tax assessors, and Members of Courts of County Commissioners, Boards of Revenue and other courts of like jurisdiction in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people, according to the last Federal Census, or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, shall be paid an annual salary, which shall be paid to and received by the said officers in lieu of all other compensations, fees or emoluments, as follows: The Judge of Probate shall receive an annual salary of six thousand dollars net, and an allowance of eleven thousand one hundred dollars per annum for office help as follows: one clerk at twenty-four hundred dollars per annum; two clerks at eighteen hundred dollars per annum each; one clerk at fifteen hundred dollars per annum; two clerks at twelve hundred dollars per annum each and twelve hundred dollars per annum for other expenses and contingencies to be paid out on warrant on proper certificate

of the said Probate Judge. The Sheriff shall receive an annual salary of four thousand dollars net, and an allowance of ten thousand nine hundred dollars per annum for help as follows; one deputy at twenty-four hundred dollars per annum; two deputies at eighteen hundred dollars per annum each, and two guards for the County Jail in said counties at Fifteen Hundred Dollars per annum each, and Nine Hundred Dollars per annum for an Attorney, and one thousand dollars per annum for other expenses and ex-officio services of the said sheriffs; the said one thousand dollars to be paid to the said sheriffs in monthly installments and disbursed by him. The tax collectors shall receive an annual salary of four thousand dollars net, and an allowance of thirty-four hundred dollars per annum for office help as follows; one clerk at twenty-four hundred dollars per annum, and one thousand dollars per annum for other expenses and ex-officio services of the said tax collectors. The said one thousand dollars to be paid to the said tax collectors in monthly installments and disbursed by him. The tax assessor shall receive an annual salary of four thousand dollars net, and an allowance of six thousand four hundred dollars per annum for office help as follows; one clerk at twenty-four hundred dollars per annum; one clerk at eighteen hundred dollars per annum; one clerk at twelve hundred dollars per annum; and one thousand dollars per annum for other expenses and ex-officio services of the said tax assessors. The said one thousand dollars to be paid to the said tax assessors in monthly installments and disbursed by him. That each member of Courts of County Commissioners, or Boards of Revenue and other courts of like jurisdiction shall receive an annual salary of eighteen hundred dollars per annum, and that the salary of the clerk of such courts or Boards of Revenue may be fixed at a maximum of three thousand dollars per annum.

Section 2. That the Courts of County Commissioners, Boards of Revenue and other Courts of like jurisdiction in such counties are hereby authorized and empowered to provide for additional deputies in the office of sheriff of such counties and to fix their compensation and to provide how they are to be paid whenever in the discretion of such courts or boards such deputies are necessary for the proper conduct of the public business. The compensation of such deputies not fixed by this Act shall be fixed by such courts or boards; and the selection of such deputies shall be left to the sheriff under whom they are employed and the sheriff shall have the right to discharge such deputies at his will. Said courts or boards are also authorized and empowered to furnish the tax assessor and tax collector of said counties extra clerical assistance not to exceed nine hundred dollars per annum for each of said offices whenever in their discretion such assistance is necessary.

Section 3. That all of said officers shall pay into the county treasury of said counties, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said officers as other moneys belonging to said counties are paid. The Courts of County Commissioners, boards of revenue and other courts of like jurisdiction shall have the power and authority to have audited the accounts of the said officers for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensations and salaries of the said officers mentioned in this Act and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the several counties affected in monthly installments.

Section 5. That the premiums on said officers bonds and the bonds of their clerks and deputies shall be paid out of the general funds of the several counties affected.

Section 6. That all laws or parts of laws, general, local or special in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Approved Oct. 1, 1923.

No. 593.)

(S. 417. Foster.

AN ACT

To authorize and provide a fund to be known as the State Insurance Fund which is to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all State-owned buildings or buildings in which the State has appropriated monies for the erection or equipment thereof, or which may have been deeded to the State, and all property equipment, furniture and fixtures or supplies belonging to or stored in such buildings and any and all properties of such nature as may be acquired by the State, and to this end to establish a basis for assessment and collection of premiums, to provide for a sinking fund with which to pay losses, to provide an emergency appropriation to be used only in case of loss by fire or tornado in excess of collection of premiums, to provide for a division of the State's property into groups, to provide for return of surplus for maintenance purposes, to provide for inspection and valuation of State property and promulgate rules and regulations necessary for the operation of the Act.

Be it enacted by the Legislature of Alabama:

Section 1. A fund is hereby created to be known as the State Insurance Fund to be carried by the State Treasurer for the purpose of insuring against loss by fire or tornado all state owned buildings, or buildings in which the state has appropriated monies for erection or equipment thereof, or property which may have been deeded to the State, and all property,

equipment, furniture, fixtures or supplies belonging to or stored in said buildings, and any and all properties of such nature as hereafter may be acquired by the state.

Section 2. That the State Board of Convict Supervisors, or its successors, the legal and official custodians of all physical property belonging to the State, is hereby constituted and designated as the Board through which this Act shall be administered, and is empowered with such authority as may be necessary to carry out its purposes.

Section 3. That the said board shall, by the first of October, after the passage of this Act, or as soon thereafter as possible, make, or cause to be made, an inspection and appraisal of all property, the value of which has not already been satisfactorily established, for the purpose of determining the amount of insurance necessary to be carried on the several properties, and to classify all property and give it the current rating of commercial fire and tornado insurance companies.

Section 4. That all state property shall be insured for 75 per cent of its actual value, and may at the option of the board be insured up to 100 per cent of said value, except as to rural school houses and equipment, which shall be insured for not more than 75 per cent of their value.

Section 5. That the premium charged shall be based on sixty per cent of the current commercial rate and all of the said premiums shall be paid to the said Board not later than November 15th, of each fiscal year by the treasurers of the several institutions, the heads of several executive departments, and county superintendents of education of several counties, and that all such funds shall be promptly transmitted to the State Treasurer who shall place same to the credit of the State Insurance Fund.

Section 6. That the county superintendents of education of the several counties shall be required to place the said board on the regular pay roll for the amount of premiums, as shown by the schedule of state owned buildings in said county, so that this premium may be paid not later than November 15th. of each year, and that in case of failure or refusal to comply with the provisions of this section on the part of any county superintendents or county board of education, that a penalty of ten per cent shall be added to the premium and that the Attorney General be instructed to proceed in the collection of said premium together with the penalty and all costs incident to said collection by due process of law.

Section 7. That the premiums collected under the provisions of this Act shall constitute a trust fund, to be applied only to the purposes of the Act. That all such funds shall be placed in such depositories as may be approved by the Governor

at the best rate of interest obtainable for time deposits, such depositaries to give suitable bond or securities for such deposits such bonds or securities to be approved by the Governor; or such funds may be invested in bonds of the United States Government or in bonds of the State of Alabama with the approval of the Governor. That the funds accruing under the operation of this Act shall constitute a sinking fund and surplus which shall be subject to the requisition of the President of the said Board, with the approval of the Governor, for the payment of losses, the necessary expense of the administration and refunds for maintenance.

Section 8. That there is hereby appropriated from the State Treasury the Sum of One Hundred Thousand Dollars (\$100,000.00) to be available only in case the loss by fire or tornado in any year during the accumulation of the sinking fund shall exceed the premiums collected, and then only in such amount as may be required to pay such loss in addition to the amount of funds on deposit at the time of said loss, less the amounts hereinafter set aside for the purposes of administration, and that when the sinking fund shall have reached the sum of \$500,000 the first surplus above this amount shall be used to reimburse the state treasury for any amount which may have been drawn from this appropriation.

Section 9. That it shall be the duty of the said Board to divide the property of the State into related groups and a strict accounting kept by groups as to amount of premiums collected and losses sustained, and that losses sustained in any group shall be charged to said group and shall not affect the refunds for maintenance to other groups unless the loss exceeds the amount to the credit of any group, in which case such excess shall be paid from the balances appearing in other groups but such excesses to be adjusted in subsequent years. This grouping to be as follows: 1. Administrative departments. 2. Institutions, Eleemosynary, and Correctional. 3. Educational Institutions, University, Auburn, Schools for Deaf and Blind, Montevallo and Normal Schools. 4. Convict Department. 5. Secondary Agricultural Schools Rural School Houses and Equipment including County High Schools.

Section 10. That when a sinking fund of \$500,000 has been established, on the first day of July of each year, or as soon thereafter as practicable, a balance sheet shall be prepared showing the amount of such surplus to the credit of each group—in the case of institutions and other state property this statement shall show also the amount of surplus due each institution and in the case of rural school houses the statement shall show the amount of surplus due counties and that such surpluses shall be refunded to each group in accordance with said statement

upon a requisition of the President of said board on the State Auditor, with the approval of the Governor. Such refunds in the hands of treasurers of institutions or treasurers of county school funds, or heads of executive departments, shall be expended for maintenance purposes only.

Section 11. That said Board shall cause to be inspected annually all institutional property to ascertain if the hazard on any property has been increased or reduced, and that sworn statements shall be required of all county superintendents of education annually giving a description of all rural school houses and equipment coming under the provisions of this act, on prescribed forms which shall show the character of risk and determine the rate of premium.

Section 12. That no part of these funds shall be used to increase the salary of any state employee and only such clerical force, inspection and adjustment expense as may be necessary for the economical administration of the Act shall be paid from said funds, and that such expenditures shall be limited to 10 per cent of the total premiums collected for the first two year of operation, when additional expenses of inspection and valuation will be necessary, and after two years of expense of administration shall be limited to 6 per cent of the amount of premiums collected, or so much thereof as may be required.

Section 13. That, to avoid duplication of work and in the interest of economical operation, the state architect or official inspector of rural school house construction in the Department of Education is hereby made an official inspector of rural school houses and equipment coming under the provisions of this Act, so long as his services in such capacity are satisfactory to the President of said Board. That the State Board of Education shall be reimbursed for this service from the expense fund on voucher of the President of said Board approved by the Governor in such amount as shall be agreed upon between the president of said Board and the State Superintendent of Education with the approval of the Governor.

Section 14. That in the event a disagreement arises between the president of the Board and any person or persons in charge of any state property as to its true value, or the amount payable under a claim for loss, or the proper premium rate or rates, the matter in disagreement shall be determined by a third person to be agreed upon by the President of the Board and the person or persons disagreeing with him. In case of inability to agree as to the third party the Governor shall appoint same, and the decision of such party so selected shall be final and binding on all parties concerned.

Section 15. That the administrative board under the provisions hereof shall be and is hereby empowered to prescribe

such forms, including forms of proof of loss, such rules and regulations as may be found necessary for the proper administration of the provisions of this Act. Furthermore, the said Board shall be authorized to decrease the premium rate after the sinking fund herein provided has been established to such an extent as in their judgment is warranted.

Section 16. That all policies on state property now in force shall not be cancelled or affected by the passage of this Act until expiration dates are reached and that premiums shall be assessed only upon the uninsured amount until the expiration of said insurance now in force. That in case of the expiration of any policy before October 1st. of any year, then in such event, the Board shall assume the risk and assess the premium for that year in that proportion of an annual premium as the number of unexpired days before the next October 1st bears to a year. And in case of all such prorata premiums same shall be due and payable on or before the fifteenth day of the next succeeding month, and if not paid shall be subject to the penalty prescribed in Section six of this Act. Provided, that nothing in this Act shall prevent the extending or renewing of any insurance policy or contract until sufficient funds are accumulated under the Act to carry adequate insurance in accordance with the provisions of the Act.

Section 17. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved Oct. 2, 1923.

No. 594.)

AN ACT

(S. 368. Pelham.

To Revise and Amend Chapter 224 of the Code of 1907.

Be it enacted by the Legislature of Alabama: That Chapter 224 of the Code of 1907 be revised and amended so as to read, as follows:

1. (6954) **OWNERSHIP AND TITLE TO WILD BIRDS AND GAME VESTED IN STATE.**—The title and ownership to all wild birds and game in the State of Alabama are vested in the State for the purpose of regulating the use and disposition of the same in accordance with the laws of this State.

2. (6955) **BIRDS, PLUMAGE, SKIN, EGGS AND NEST PROTECTED, PENALTY FOR CATCHING, KILLING OR TAKING.**—Any person who shall catch or kill, or have in his possession, living or dead, any wild bird other than a game bird, or who shall purchase, offer or expose for sale, transport, or ship, within or without the State, any such wild bird after it

has been killed or caught, or who shall sell or have in his possession for sale any part of the plumage, skin or body of any bird protected by the game laws, or who shall take or wilfully destroy the nests of any wild bird, or who shall have such nests or eggs in his or her possession, except as permitted by the game laws of this State, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$10.00 nor more than \$25.00 for each offense; provided that any person holding a scientific or propagating permit, which has been duly issued by the Commission of Conservation, may sell live protected game birds or the eggs to any person within this State, which have been raised or hatched during the legal tenure of said permit; provided further that the purchaser or purchasers of said protected game birds or eggs therefrom, are made known to the Commissioner of Conservation before the sale or shipment is made. The Commissioner of Conservation shall have power to cancel or make void any scientific or propagating permit when in his opinion same is not being used in strict compliance with the provisions of this section.

3. (6956) GAME BIRDS DENOMINATED AND ENUMERATED.—The following only shall be considered game birds: The anatidae, commonly known as swans, geese, brant and river and sea ducks; Rallidae, commonly known as rails, coots, or mud hens, and gallinules, the Limicolae, snipe, woodcock, sandpipers, tattlers, commonly known as shore-birds, black bellied and golden plovers, surf and curlews; the Gallinae, commonly known as wild turkeys, grouse, pheasants and quails, and the species of Columbae commonly known as turtle or mourning doves.

4. (6957). BIRDS NOT PROTECTED.—English and European house sparrows, Cooper's hawks, chicken hawks and all members of the hawk family, owls, buzzards and crows are not protected by the game laws of this State and may be killed by any body at any time or place.

5. (6958). OPEN AND CLOSED SEASON AS TO GAME BIRDS.—No person or persons shall injure, kill, or hunt, or destroy, by any means whatsoever, or have, or be in possession of, except as expressly permitted by the provisions of this Code, the following named game birds, except between the following dates: wild turkeys gobblers, December 1st to April 1st, following; quail (bob-white, partridge), from November 20th to February 20th, following; provided that under special permit issued by the Commissioner of Conservation to the president, board of directors or secretary of duly organized field trials clubs, said clubs may engage in field trials up to but not including March 1st; provided further, however, that shooting of birds shall not be permitted during such field trials.

6. (6959). OPEN AND CLOSED SEASON AS TO MIGRATORY GAME BIRDS.—No person shall injure, kill, hurt or destroy by any means whatsoever, or have or be in possession of the following named migratory game birds, except during the following open seasons: Doves, October 16th to January 31st; duck, geese, black bellied and golden plover, wilson or jacksnipe, yellow legs, coot or mud hen and gallinules, November 1st to January 31st; woodcock, November 1st to December 31st; rail, other than coots and gallinules, September 1st to November 30th; (all the last named dates included); provided that this Act shall not be construed so as to authorize or legalize the taking, capturing, killing, injuring, destroying, having or being in possession of any of the migratory game birds, named in this Section, at any time and in any manner prohibited by the Federal Law, or regulations based thereunder, but that the taking, capturing, killing, injuring, destroying, having or being in possession of any of the migratory birds, named in this section, in violation of the Federal Law and the regulations based thereunder, shall be a violation of the State laws; and provided further that it shall not be unlawful to take, capture, kill, to have or be in possession of any bird mentioned in this Section during the open season permitted under Federal law or regulations based thereunder.

7. (6960). PHEASANTS PROTECTED.—Any person who shall take, capture, kill or destroy, except under permit, any ruffed grouse, (pheasant), Mongolian, Chinese or English Pheasant or other imported game bird, before September 1st, 1927, and thereafter only from November 15th to December 15th following, or who shall kill more than two of such birds in any one day, or more than twenty during the open season on same, shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not less than \$15.00 nor more than \$30.00 for each offense.

8. (6961). TRAP, SNARE, DEAD FALL, BAITING, ETC., PROHIBITED.—Any person who shall at any time make use of any pit-fall, dead fall, baited field, cage, snare, trap, net, salt lick, pen, baited-hook, scaffold, poison, chemicals, or explosives, for the purpose of injuring, capturing or killing birds or animals protected by the game laws of this State, except as otherwise expressly provided, shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense.

9. (6962). NIGHT HUNTING PROHIBITED.—Any person who shall pursue, catch, take or kill any bird, deer, wild turkey, wild ducks, wild geese, brant or other aquatic bird or fowl, between dark and daylight the following day, shall be guilty of a misdemeanor and, on conviction, shall be punished

by a fine of not less than \$25.00 nor more than \$50.00 for each offense.

10. (6963). **HUNTING WILD HOGS.**—Any person who, without first giving notice to at least three freeholders in the neighborhood, hunts, catches or kills wild hogs unmarked, with dog or gun, must, on conviction, be fined not less than \$20.00 nor more than \$100.00 for each offense.

11. (6964). **DEER PROTECTED, OPEN AND CLOSED SEASON AS TO; TURKEY HENS PROTECTED.**—Any person who shall kill or attempt to kill any doe, or female deer, or wild turkey hen in this State, or who shall kill any deer between January 1st and the 1st of November, in each calendar year, or who shall use any artificial light in hunting or killing deer, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than \$25.00 nor more than \$100.00; and the having of such light on the head or any part of the body while hunting shall be prima facie evidence of the violation of the last sub-division of this section.

12. (6965). **SQUIRRELS: OPEN AND CLOSED SEASON AS TO.**—Any person who shall pursue, injure, capture, kill or destroy any fox squirrel, black squirrel, or gray squirrel, except from the 1st day of November to the 31st of January of each year, when they may be killed, or who shall pursue, capture, kill, injure, or destroy any squirrel at any time in any public or private park, or who shall kill more than ten squirrels in any one day, which is hereby declared to be the bag limit on squirrels during the season when they may be legally taken or killed, and the having in possession of any squirrel out of season shall be prima facie evidence of a violation of the provisions of this section, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$15.00 nor more than \$50.00; provided that any person may protect his premises from the ravages and depredations of these animals when actually in the act of doing damage thereto, at any time and in any manner.

13. (6966). **NUMBER OF BIRDS OR ANIMALS AUTHORIZED TO BE KILLED IN ONE DAY; SEASONAL LIMIT ON BUCK AND TURKEY GOBBLERS.**—Any person who takes or kills more than one buck in one day, or more than five bucks in one hunting season, or more than one turkey gobbler in one day, or more than ten turkey gobblers in one hunting season; or who takes or kills more than fifteen quail in one day, or more than twenty-five game birds of any other species in one day, or who has such birds or game in possession for more than five days after the close of the season for killing the same or who shall take, carry, or be in possession of more than the daily bag limit of any game bird or animal on any one day,

shall be guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$20.00 nor more than \$50.00 for each offense.

14. (6967). **SELLING GAME PROHIBITED.**—Any person, firm or corporation, except as provided in Section 6955 of this Code, who at any time of the year, shall barter, sell, or offer for sale, any of the game birds or animals protected by this Code, either under the name used in this Code, or under any other name or guise whatsoever, whether lawfully or unlawfully taken, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25.00 nor more than \$50.00 for each offense.

6967½. **HUNTING TURKEYS WITH DOGS PROHIBITED: PENALTY FOR.**—Any person who hunts, takes, captures, or kills a wild turkey in this State with the aid of a dog, at any season of the year, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$50.00.

15. (6968). **HUNTING WITHOUT LICENSES PROHIBITED.**—Any person who hunts on lands other than he owns or rents without first obtaining a county hunting license, permitting him or her to do so, or who hunts outside of the county in which he actually resides without first obtaining a State hunting license, permitting him or her to do so; any non-resident of the State who hunts in this State, without first obtaining a non-resident hunting license, permitting him or her to do so; or who lends or transfers his hunting license to another, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than ten (\$10.00) nor more than twenty-five (\$25.00) dollars; provided that all land-owners and landlords and members of their own families may hunt upon their own land without a license; and tenants and members of their families may hunt upon the land which they rent without license.

16. (6969). **DUTY OF COURT TO REPORT CONVICTIONS: LICENSE REVOKED.**—When any person is convicted in any of the Courts of this State for a violation of the Game laws of the State of Alabama, the Court imposing the penalty therefor shall immediately report the fact to the Commissioner of Conservation, whereupon it shall be the duty of said Commissioner to revoke, for the remainder of the open season on all game and birds, the hunting license of the person convicted, and he shall notify the holder of said hunting license of the action taken and the cause therefor.

17. (6970). **FALSE STATEMENT AS TO PROCURING LICENSE.**—Any person who shall make to any officer authorized to issue a hunting license a false statement, or change or

alter his or her license in any manner shall be punished by a fine of not less than \$10.00 nor more than \$25.00.

18. (6971). **SHIPPING OR TRANSPORTING GAME.**—Any person who takes, ships or transports, without or within this State, any of the birds or game protected by the laws of this State, unless the same be in personal possession of, or carried openly by the owner thereof, or person killing the same, who has in his possession a non-resident license, if the game is to be carried without this State, or a resident's license, if the game is to be transported within this State, shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not less than \$25.00 nor more than \$50.00.

19. (6972). **COMMON CARRIERS SHIPPING GAME.**—Any person, company, corporation, or common carrier, who shall ship or transport any birds or game without ascertaining if the person, offering for shipment or transportation such birds or game, is in possession of a hunting license duly issued to him and covering the period when such shipment is offered, and without requiring such person to accompany the shipment, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$100.00.

20. (6973). **HUNTING ON THE LANDS OF ANOTHER WITHOUT WRITTEN PERMISSION; PENALTY FOR.**—Any person who hunts on the lands of another without first having obtained from the owner or agent thereof a written permission to do so shall be guilty of a misdemeanor, and on conviction shall be fined not less than \$10.00 nor more than \$25.00, provided that no written permission shall be required of any person actually hunting in company with any owner or agent or any member of their families when hunting on lands owned or controlled by such owner or agent.

21. (6974). **CORPORATION, SERVICE OF WARRANT OF ARREST.**—In cases of violation of the game laws of Alabama by a corporation, the warrant of arrest may be read to the president, secretary or manager in this State, or to any general or local agent thereof, in any county where the action or indictment is pending, and upon the return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of said corporation, but this section shall not be considered to except an agent or employee from prosecution.

22. (6975). **OFFICER FAILING TO PERFORM DUTY.**—Any official of any court, officer or warden, who shall fail to perform any act, duty, or obligation, enjoined upon him by the provisions of the game and fish laws of this State shall be guilty

of a misdemeanor and, on conviction, shall be punished by a fine of not less than \$50.00 nor more than \$100.00.

23. (6976). **REPORT OF PROSECUTION TO COMMISSIONER.**—Every Court or clerk of any Court before whom any prosecution under this Chapter is commenced or shall to on appeal, and within twenty days after trial or dismissal thereof, shall report in writing the result thereof, and the amount of the fine collected, if any, and the disposition thereof, to the Commissioner of Conservation.

24. (6977). **PLEADING AND PRACTICE, RULES OF, UNDER THIS CHAPTER.**—Two or more offenses may be charged in the same affidavit, complaint or indictment, and proof as to a part of a game bird or animal shall be sufficient to sustain a charge to the whole of it; and the violation as to the number of animals or birds of the same kind may be charged in the same count and punished as separate offenses as to each animal, bird or game.

25. (6978). **COST OF PROSECUTION; HOW TAXED.**—When an arrest for a violation of the game law is made by the Commissioner of Game and Fisheries or by any warden, and the defendant is convicted, there shall be taxed as costs in favor of such warden making the arrest the same fee as a constable is entitled to in misdemeanor cases, and if collected from the defendant, shall be paid over to such warden, and shall be his personal perquisite. No fee shall be allowed in cases of acquittal.

26. (6979). **FINES, PENALTIES AND FORFEITURES; DISPOSITION OF.**—All moneys collected from fines, penalties or forfeitures under this Chapter shall belong to the game and fish protection fund, and shall be paid over by the officer authorized to collect said money, to the Department of Conservation, and the Commissioner of Conservation shall immediately remit same to the State Treasurer and it shall there be placed by said State Treasurer in the State Treasury to the credit of the game and fish protection fund. The State Treasurer shall report on the 1st day of each month to the Commissioner of Conservation the exact amount of money on hand to the credit of the game and fish protection fund.

27. (6980). **FINES TO BE PAID IN CURRENCY.**—All fines imposed under the provisions of this Chapter shall be paid in lawful money, that is to say in the currency of the United States of America.

28. (6981). **JUDGES SPECIAL CHARGES AS TO GAME LAWS.**—The Circuit Judges and Judges of Concurrent jurisdiction shall give the Grand Juries, when organized, the provisions of the game and fish laws strictly in charge, and shall urge strict inquiry into infractions thereof.

29. (6982). **TERMS DEFINED.**—As used in the game laws of this State, unless otherwise specially restricted or enlarged, the words “herein” and “hereof” refer to the whole of the game laws of this Code, and the words “person,” “owner,” “proprietor,” “grantee,” “lessee,” or “licensee” include a firm, association, corporation or municipality, and the word “warden” means game warden, deputy game warden, or agent, provided for in the game laws. The word “Officer” includes every person authorized to enforce the provisions of the game laws, and whenever the possession, use, importation, transportation, storage, sale, offering or exposing for sale of game birds, is prohibited or restricted, the prohibition or restriction shall extend to and include every part of such game, and a violation as to each animal or bird, or part thereof, shall be a separate offense.

30. (6983). **EXTENT AND CONSTRUCTION OF GAME LAWS.**—The provisions of the game law shall not apply to persons hunting any of the wild birds or animals of this State, which are not protected by the provisions of such laws; provided that no person shall hunt on the lands of another without obtaining a written permission, as provided in this Code.

31. (6984). **FUR BEARING ANIMALS PROTECTED; CLOSED SEASON AS TO.**—It shall be unlawful for any person to take or attempt to take by the use of any trap, snare, net or substitute therefor, any muskrat, raccoon, o’possum, mink, fox, beaver, otter or bear between March 1st and November 1st in each calendar year.

32. (6985). **SEASON WHEN UNLAWFUL TO USE DOG AND GUN, OR DOG OR GUN.**—It shall be unlawful for any person to take, capture, kill, destroy or to attempt to take, capture, kill or destroy any protected fur-bearing animal named in section 6984 of this Code, with dog and gun, or dog or gun, from March 1st to September 1st following.

33. (6986). **UNLAWFUL TO TRAP ON LANDS OF ANOTHER WITHOUT WRITTEN PERMISSION.**—It shall be unlawful for any person to trap, snare, or net, or attempt to trap, snare, or net, any of the wild fur-bearing animals protected by the provisions of this Code, upon the lands of another without first having secured the written permission of the land owner or agent thereof.

34. (6987). **TRAPPERS LICENSE; UNLAWFUL TO TRAP WITHOUT LICENSE, ETC.**—It shall be unlawful for any person to trap, snare, or net, or to attempt to trap, snare or net any of the animals protected by the provisions of this Code upon the lands of another without first having secured a trapper’s license to be issued by a Judge of Probate, such license to be furnished by the Commissioner of Conservation; and paying:

therefor the sum of \$15.00 for the first trap, snare or net, and \$2.50 for each additional trap, snare or net used in trapping, snaring or netting any of the fur bearing animals named in section 6984 of this Code, which license or licenses when issued shall be good during the trapping season. In addition to the penalty or penalties provided for, the Commissioner of Conservation shall have the power to cancel or annul any or all trappers licenses held by the person so convicted, provided that any person shall have the right to protect his premises against any animal protected under this Code when same is depredating upon his poultry or live stock.

35. (6988). UNLAWFUL TO POSSESS YOUNG ANIMALS DURING CLOSED SEASON.—It shall be unlawful for any person to take, capture, or kill or otherwise destroy, or to have in possession, the young of any of the animals protected by the provisions of this Code, during the closed season.

36. (6989). LEAVING STEEL TRAPS, OR DEVICES, IN EXPOSED PLACES.—Any person setting or placing steel traps or any other devices used in taking or catching any fur-bearing animals, or game, shall not place or set same in the open or exposed, where they are liable to do damage to persons, stock, fowls, dogs or any domestic bird or animal by reason of being caught with said traps, or other devices; and the person or persons setting or placing said devices shall be liable for all damages done by said devices.

37. (6990). SEIZURE AND DESTRUCTION OF ALL EXPOSED TRAPS.—Any person finding any trap or other devices mentioned in section 6989, set or placed in any exposed place where any person, live-stock, fowls, dogs or other domestic bird or animal is liable to be injured by reason of being caught by or within said trap, or device, may seize and destroy any or all such traps or devices.

38. (6991). PENALTY FOR VIOLATION; DISPOSITION OF FINE.—Any person who violates any of the provisions of this Chapter, relating to fur-bearing animals, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25.00 nor more than \$50.00 for each offense, which fine shall be paid in the lawful money of the United States, one-half of which shall be paid by the Court, collecting the same, to the informer, other than a salaried warden, and the other half shall be immediately forwarded to the Commissioner of Conservation to be covered into the Game and Fish Protection Fund.

39. (6992). MONEY COLLECTED FROM SALE OF TRAPPER'S LICENSES; DISPOSITION OF.—Judges of Probate shall retain of the money received from each trappers license issued the sum of fifteen cents, and shall pay the balance

to the Commissioner of Conservation, which amount shall be by him covered into the State Treasury to the credit of the game and fish protection fund.

40. (6993). **LANDS HELD IN FEE OF TRUST BY STATE DECLARED FOREST RESERVES AND GAME REFUGES.**—All lands belonging to the State of Alabama, whether held in fee or in trust by the State, be and the same are hereby declared forest reserves and game refuges.

41. (6994). **UNLAWFUL TO CUT TREES ON STATE LANDS; EXCEPTION AS TO.**—It shall be unlawful for any person to cut any tree or timber on any State forest reserve or game refuge, or to set fire to any inflammable substance growing thereon, provided this section does not prohibit the sale by the State of timber growing on these lands.

42. (6995). **UNLAWFUL TO HUNT ON STATE LANDS; REGULATION AS TO.**—It shall be unlawful for any person to kill, hunt, trap, net or otherwise take, or to have in possession, any of the wild animals or birds, protected by the laws of this State, upon any State forest reserve or game refuge, except under regulations of the Commissioner of Conservation.

43. (6996). **PENALTIES FOR VIOLATION OF TWO PRECEDING SECTIONS; DISPOSITION OF FINES.**—Any person who violates any of the provisions of Section 6994 or Section 6995 shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25.00 nor more than \$100.00 for each offense, which fine shall be paid in lawful money of the United States, and shall by the Court, collecting same, be paid to the Commissioner of Conservation, and shall be remitted by him to the State Treasury to be covered into the game and fish protection fund.

44. (6997). **INTERPOSITION OF DEFENSE WHERE CHARGE IS PREFERRED AGAINST DEFENDANT FOR HUNTING, TRAPPING OR FISHING ON STATE LANDS; LAND AGENT TO PROVE STATE TITLE.**—If on the trial of any person charged with a violation of the game and fish laws of this State, the defense should be made, at the time of going to trial, or be later interposed, that the State is not the owner of the property upon which the affidavit, warrant or indictment, charges the hunting, trapping or fishing had been done, (if the prosecution be pending before a Justice of the Peace, or other court of limited jurisdiction), the case shall be at once suspended from further prosecution in such court, and certified to the Circuit Court, or Court of like jurisdiction, having jurisdiction of the case; and at the time the same is so certified, the State Land Agent shall be notified that such defense has been interposed; and should pleas in writing have been filed, said State Land Agent shall be furnished with certified copies there-

of; and the land upon which the violation is charged shall be described in the notice of the cause so certified to the State Land Agent.

45. (6998). **CAUSE CERTIFIED.**—Any cause certified to the Circuit Court or Court of like jurisdiction, as provided in the preceding section, shall stand for trial at the next succeeding term after it has been so certified; provided that certification thereof has been filed in said Court ten days previous to the convening thereof.

46. (6999). **MISTRIAL ENTERED AND PROVIDING FOR CAUSE TO BE HEARD AT NEXT REGULAR TERM OF COURT.**—Should the prosecution herein referred to be based upon an original indictment in a Court of Record, and such defense should be interposed or developed, the trial of said Court shall not proceed, or should it be entered upon shall be suspended, a mistrial entered, and notice given to the State Land Agent as herein provided and said cause shall stand for trial at the next regular term.

47. (7000). **STATE OR DEFENSE EITHER MAY DEMAND TRIAL BY JURY.**—The State Land Agent, upon receiving notice of the certification of any cause from a Court of limited jurisdiction to the Circuit Court, or Court of like jurisdiction, or notice of a prosecution based on an original indictment in a Court of Record, may, within ten days from the receipt of such notice, file in the Court to which such cause has been so certified, a demand in writing for a trial by jury and the defendant, at the time the cause is certified to such Court, may demand a trial thereof by jury. Should neither the defense nor the State Land Agent demand a trial by jury, said cause shall proceed to trial before the Court without the intervention of a jury.

48. (7001). **CERTIFIED COPIES OF ENTRIES IN OFFICE OF STATE LAND AGENT COMPETENT EVIDENCE.**—On the trial of said cause a certified copy of the entries on the books in the office of the State Land Agent pertaining to said lands is competent evidence of the recital on the books in the said office of said State Land Agent, but this section shall not be construed as precluding the legal modes of proof as to the ownership of said lands.

49. (7002). **ONE-HALF OF FINES PAID TO INFORMER; OTHER HALF TO GAME AND FISH PROTECTION FUND.**—Upon conviction for a violation of any of the provisions of this Chapter, all moneys collected therefor shall be paid by the Court, collecting same, one-half of said fine to the informer, other than a salaried game warden or agent, and the other half remitted to the Commissioner of Conservation, who shall at once make remittance to the State Treasurer, who shall

cover said remittance into the Game and Fish Protection Fund; provided that where there is no informer other than a salaried game warden, or agent, the entire amount of said fine shall be remitted to the Commissioner of Conservation, which shall by him be covered into the State Treasury to the credit of the game and fish protection fund.

50. (7003). GAME AND BIRDS TO BE CARRIED OPENLY; CONFISCATION OF GAME AND BIRDS CARRIED IN CONCEALMENT OR KILLED ILLEGALLY.—All game and birds taken or killed in this State must at all times be carried or transported openly, and failure to do so shall constitute a misdemeanor, and punishable by a fine of not less than \$25.00 nor more than \$50.00. All game carried or transported in an illegal manner or taken or killed illegally shall be confiscated and disposed of under regulations by the Commissioner of Conservation.

Approved Sept. 29, 1923.

No. 595.)

AN ACT

(S. 237. Teasley.

To authorize courts of county commissioners, boards of revenue or other courts of like jurisdiction of all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken. To work county convicts anywhere within this State: To authorize the governing bodies of said counties to employ the necessary guards to prevent the escape of convicts, and to procure medical treatment for convicts so employed, and to purchase the necessary cells equipment, and to acquire by lease or purchase lands or other property, real or personal, necessary to carry out the provisions of this Act: and to provide that the net proceeds derived from the working of said convicts shall be used for working, grading, building, and maintaining the public roads and bridges of said counties.

Be it enacted by the Legislature of Alabama:

Section 1. That the Courts of county commissioners, boards of revenue or other courts of like jurisdiction of all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people, according to the last Federal census or any such census which may hereafter be taken, are hereby authorized to work county convicts anywhere within the State of Alabama.

Section 2. That the governing bodies of said counties are authorized to purchase the necessary cells, tents, equipment, clothes and to hire sufficient guards for the safe-keeping and maintenance of said convicts, and to provide the necessary and proper medical treatment of all convicts so employed.

Section 3. That the governing bodies of said counties shall have the power and authority to acquire by lease or purchase lands or other property, real or personal, within this State for the purpose of working said convicts.

Section 4. The governing bodies of said counties working convicts as herein above provided shall have the power and authority to appropriate out of the general funds of said counties all funds necessary and incident to carry into effect the provisions of this act.

Section 5. That the governing bodies of said counties working convicts under the provisions of this Act, shall not later than the 10th day of each month publish in some newspaper in said county, a statement of receipts and disbursements for the preceding month, and shall semi-annually on the 10th day of July and January of each year, publish a condensed statement in like manner, the total receipts and disbursements for the preceding six months.

Section 6. That the governing bodies of said counties shall quarterly, after deducting from the gross receipts, all amounts paid out of the general funds of said counties as herein above provided, shall place to the credit of the Road and Bridge fund of said counties the net revenue produced under the operation of this act.

Section 7. That all penalties provided under the general laws of the State in reference to convicts, shall with the same force and effect apply to convicts working under this act.

Section 8. That this act shall become effective sixty days after its passage and approval by the Governor.

Section 9. That all laws and parts of laws, general, local or special in conflict with the provisions of this act be, and they are hereby expressly repealed.

Approved Sept. 29, 1923.

No. 596.)

AN ACT

(S. 302. Teasley.

To provide how Fraternal Societies organized under the laws of this State may consolidate, merge or reinsure its Insurance Risks, with any other Fraternal Benefit Society, or assume or reinsure the risks of any other Fraternal Benefits Society, and to provide Penalties for the violation of the Provisions hereof.

Be it enacted by the Legislature of Alabama that:—

Section 1. No Fraternal Benefit Society organized under the laws of this State to do the business of life, accident, or health insurance, shall consolidate or merge with any other Fraternal Benefit Society or reinsure its insurance risks, or any part thereof, with any other Fraternal Benefit Society or as-

sume or reinsure the whole or any portion of the risks of any other Fraternal Benefit Society, except as herein provided. No Fraternal Benefit Society or subordinate body thereof shall merge, consolidate with or be reinsured by any company or association not licensed to transact business as a Fraternal Beneficiary Society.

Section 2. When any such Fraternal Benefit Society shall propose to consolidate or merge its business or to enter into any contract of reinsurance, or to assume or reinsure the whole of any portion or the risks of any other Fraternal Benefit Society the proposed contract in writing setting forth the terms and conditions of such proposed consolidation, merger or reinsurance shall be submitted to the legislative or governing bodies of each of said parties to said contract after due notice, and if approved such contract as so approved, shall be submitted to the commissioner of Insurance of this State for his approval and the parties to said contract shall at the same time submit a sworn statement showing the financial condition of each of such Fraternal Benefit Societies as of the thirty-first day of December preceding the date of such contract, provided that such Insurance Commissioner shall require such financial statement to be submitted as of the last day of the month preceding the date of such contract. Such financial statement shall be the basis of such contract of consolidation, merger, or reinsurance and the Commissioner of Insurance shall consider such contract of consolidation, merger or reinsurance together with such financial statement and if satisfied that the consolidation, merger or reinsurance is based upon and is to be consummated in accordance with such financial statement; that the interests of the certificate holders of such Fraternal Benefit Societies are properly protected and that said contract of consolidation, merger or reinsurance is just and equitable to the members of such societies, and that no reasonable objection exists thereto, he shall approve said contract as submitted. In case the parties corporate to such contract shall have been incorporated in separate states, or territories, such contract shall be submitted as herein provided to the Commissioner of Insurance of each of such incorporating states, or territories, to be considered and approved separately by each of such Commissioners of Insurance. When said contract of consolidation, merger or reinsurance shall have been approved as hereinabove provided, such Commissioner or Commissioners of Insurance shall issue a certificate to that effect, and thereupon the said contract of consolidation, merger or reinsurance shall be in full force and effect. In case such contract is not approved the fact of its submission and its contents shall not be disclosed by the Commissioner of Insurance.

Section 3. All necessary and actual expenses and compensation incident to the proceedings provided hereby shall be paid as provided by such contract of consolidation, merger or reinsurance, provided, however, that no brokerage or commission shall be included in such expenses and compensation or shall be paid to any person by either of the parties to any such contract in connection with the negotiation therefor or execution thereof, nor shall any compensation be paid to any officer or employee of either of the parties to such contract for directly or indirectly aiding in effecting such contract of consolidation, merger or reinsurance. An itemized statement of all such expenses shall be filed with the Insurance Commissioner or Commissioners, as the case may be subject to approval, and when approved the same shall be binding on the parties thereto. Except as fully expressed in the contract of consolidation, merger or reinsurance or itemized statement of expenses as approved by the Commissioner or Commissioners of Insurance as the case may be, no compensation shall be paid to any person or persons, and no officer or employee of the state shall receive any compensation, directly or indirectly, for in any manner aiding, promoting or assisting any such consolidation, merger or reinsurance.

Section 4. Any person violating the provisions of this act shall be guilty of a felony, and upon conviction shall be liable to a fine of not more than five thousand dollars, or to imprisonment for not more than five years, or to both fine and imprisonment.

Section 5. The provisions of this act shall take effect upon its approval by the Governor.

Approved October 1, 1923.

No. 597.)

AN ACT

(S. 149. Teasley.

To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

Be it enacted by the Legislature of the State of Alabama: that the Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919, be and the same is hereby amended to read as follows:

Section 1:—That for the purpose of promoting and encouraging agricultural production by providing cheap money for the farmer by the sale of Farm Loan Bonds issued under the provisions of the Federal Farm Loan Act by the Federal Land Banks and also by those Joint Stock Land Banks having

their principal place of business in Alabama created under said Federal Farm Loan Act; that said bonds so issued by Federal Land Banks and also by those Joint Stock Land Banks having their principal place of business in Alabama, are hereby designated as security for all character of public funds, especially for securing deposits by designated depositaries for the funds of the State of Alabama and of the various counties, municipalities and districts of Alabama.

Section 2. That insurance companies organized under the laws of the State of Alabama, may purchase such bonds with their capital stock and also with the accumulations of such companies, including the reserve thereof to an amount not exceeding twenty-five per cent thereof.

Section 3:—That Saving Banks and Trust Companies may purchase such bonds out of their funds to an amount not exceeding twenty-five per cent of their capital stock and surplus.

Approved October 1, 1923.

No. 598.)

(H. 589. Smith of Jefferson.

AN ACT

To make appropriations to the Alabama Boys Industrial School.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of two hundred and forty dollars (\$240.00) per year for each inmate of the Alabama Boys Industrial School is hereby appropriated out of any money in the State treasury, not otherwise appropriated for each of the years of the quadrennium beginning October 1, 1923, and ending September 30, 1927, and the State auditor is hereby authorized and directed to draw his warrant quarterly on the State treasurer in favor of the treasurer of the Alabama Boys Industrial School for the payment of the amounts due said school, the same to be determined by affidavit of the treasurer of said school at the beginning of each quarter showing the number of inmates of said school during the preceding quarter.

Section 2. That there is hereby further appropriated the sum of Four Thousand Nine Hundred Eighty-One Dollars and Fifty-nine (\$4,981.59) cents for the purpose of paying an accumulated deficit which has accrued to April 1, 1923, the sum so appropriated for such purpose to be paid out under authority of the Board of Directors, and the State auditor is authorized to draw his warrant on the State treasurer for the amount of the said appropriation upon the requisition of the Governor.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved October 1, 1923.

No. 600.)

(S. 283. Inzer.

AN ACT

To fix the salaries and compensation of certain State officials, appointees, employees, Capitol watchmen and servants and to make it unlawful for any parties whose salaries or compensation is fixed hereby to accept any increase in such salaries or compensation for any additional duties placed upon such persons.

Be it enacted by the Legislature of Alabama:

Section 1. That the compensation of the several State executive officers, officers of departments and boards, subordinate officers, clerks, stenographers, watchmen and Capitol servants shall be as follows: (1) The salary of the Governor shall be seventy-five hundred dollars (\$7500.00) for every year; (2) The salary of the Attorney General shall be six thousand dollars (\$6000.00) for every year; (3) The salary of the State Auditor shall be four thousand dollars (\$4000.00) for every year; (4) The salary of the Secretary of State shall be four thousand dollars (\$4000.00) for every year; (5) The salary of the State Treasurer shall be four thousand dollars (\$4000.00) for every year; (6) The salary of the Superintendent of Education shall be six thousand dollars (\$6000.00) for every year; (7) The salary of the Commissioner of Agriculture and Industries shall be four thousand dollars (\$4000.00) for every year; (8) The salary of the President of the Board of Convict Supervisors shall be six thousand dollars (\$6000.00) for every year; (9) The salary of the Associate Convict Supervisors shall be five thousand dollars (\$5000.00) for every year; (10) The salary of the Director of the Department of Archives and History shall be four thousand dollars (\$4000.00) for every year; (11) The salary of the Chief Mine Inspector shall be four thousand dollars (\$4000.00) for every year; (12) The salary of the six Associate Mine Inspectors shall be three thousand dollars (\$3000.00) each for every year; (13) The salary of the Adjutant General shall be four thousand dollars (\$4000.00) for every year; (14) The salary of the President of the Public Service Commission shall be five thousand dollars (\$5000.00) for every year; (15) The salary of the two associate Members of the Public Service Commission shall be forty-five hundred dollars (\$4500.00) each for every year; (16) The salary of the Superintendent of Banks shall be forty-eight hundred dollars (\$4800.00) for every year; (17) The salary of the Chairman of the State Tax Commission shall be four thousand dollars (\$4000.00) for every year; (18) The salaries of the four Associate Members of the State Tax Commission shall be four thousand dollars (\$4000.00) for every year; (19) The salary of the Inspector of Jails and Almshouses shall be four thousand dollars (\$4000.00) for every year; (20)

The salary of the Director of the Child Welfare Department shall be four thousand dollars (\$4000.00) for every year; (21) The salary of the Insurance Commissioner shall be four thousand dollars (\$4000.00) for every year; (22) The salary of the Chief Examiner of Public Accounts shall be five thousand dollars (\$5000.00) for every year; the salary of the Assistant Examiners of Public Accounts shall be twenty-four hundred dollars (\$2400.00) each for every year. There shall be added to the above salary of each Assistant Examiner of Accounts for expenses, the sum of four dollars (\$4.00) per day for every day; (23) The salary of each Justice of the Supreme Court shall be sixty-five hundred dollars for every year; (24) The salary of each Justice of the Court of Appeals shall be six thousand dollars (\$6000.00) for every year. The salary of the Commissioner of Conservation shall be four thousand dollars (\$4000.00) for every year.

Section 2. There may be employed in the office of the Governor clerical assistants as follows: (1) Private Secretary, whose salary shall be thirty-six hundred dollars (\$3600.00) for every year; (2) A Recording Secretary whose salary shall be twenty-four hundred dollars (\$2400.00) for every year; (3) A clerk, whose salary shall be two thousand dollars (\$2000.00) for every year; (4) A stenographer, whose salary shall be fifteen hundred dollars for every year; (5) A messenger, whose salary shall be nine hundred dollars (\$900.00) for every year.

Section 3. There may be employed in the office of the Attorney-General, assistants as follows: (1) One Special Assistant Attorney General, whose salary shall be four thousand dollars (\$4000.00) for every year; (2) Two Special Assistant Attorneys General, whose salary shall be three thousand dollars (\$3000.00) each for every year; (3) One Special Assistant Attorney General, whose salary shall be twenty-one hundred dollars (\$2100.00) for every year; (4) Two stenographers, whose salary shall be fifteen hundred dollars (\$1500.00) each for every year; (5) One stenographer, whose salary shall be one thousand three hundred twenty dollars (\$1320.00) for every year.

Section 4. There may be employed in the office of the State Auditor clerical assistants as follows: (1) One chief clerk, whose salary shall be two thousand seven hundred fifty dollars (\$2750.00) for every year; (2) One warrant clerk, whose salary shall be two thousand seven hundred fifty dollars (\$2750.00) for every year; (3) One land clerk, whose salary shall be twenty-one hundred dollars (\$2100.00) for every year; (4) One general book-keeper, whose salary shall be twenty-four hundred dollars (\$2400.00) for every year; (5) One Assistant book-keeper, whose salary shall be twelve hundred dollars (\$1200.00) for every year; (6) One pension clerk, whose salary shall be eigh-

teen hundred dollars (\$1800.00) for every year; (7) One file clerk whose salary shall be fifteen hundred dollars (\$1500.00) for every year; (8) One stenographer, whose salary shall be twelve hundred dollars (\$1200.00) for every year.

Section 5. There may be employed in the office of the Secretary of State clerical assistants, as follows: (1) One chief clerk, whose salary shall be two thousand seven hundred fifty dollars (\$2750.00) for every year; (2) One stenographer, whose salary shall be twelve hundred dollars (\$1200.00) for every year.

Section 6. There may be employed in the office of the State Treasurer, clerical assistants as follows: (1) One chief clerk whose salary shall be twenty seven hundred and fifty dollars (\$2750.00) for every year; (2) Two clerks whose salary shall be two thousand dollars (\$2000.00) each for every year; (3) One pension clerk, whose salary shall be Twelve hundred dollars (\$1200.00) for every year. (4) One bond clerk whose salary shall be two thousand dollars (\$2000.00) for every year. (5) One stenographer, whose salary shall be twelve hundred dollars (1200.00) for every year.

Section 7. There may be employed in the office of the Superintendent of Education, clerical assistants as follows: (1) One chief clerk, whose salary shall be Twenty seven hundred fifty (\$2750.00) dollars for every year; (2) Two book keepers whose salary shall be Twenty one hundred (\$2100.00) dollars each for every year; (3) One stenographer and file clerk, whose salary shall be Twelve hundred dollars (\$1200.00) for every year; (4) One statistician, whose salary shall be Three thousand dollars (\$3000.00) for every year; (5) Two stenographers, whose salary shall be Twelve hundred dollars (\$1200.00) each for every year.

Sec. 12. There may be employed in the Department of Archives and History clerical assistants, as follows: (1) One curator, whose salary shall be three thousand dollars (\$3000.00) every year; (2) one chief clerk whose salary shall be twenty-four hundred dollars (\$2400.00) every year; (3) one librarian whose salary shall be two thousand dollars (\$2000.00) for every year; (4) one stenographer and statistician, whose salary shall be fifteen hundred dollars (\$1500.00) for every year; (5) one file clerk whose salary shall be twelve hundred dollars (\$1,200.00) for every year; (6) one stenographer and bookkeeper whose salary shall be twelve hundred dollars (\$1200.00) for every year; (7) one servant, whose salary shall be six hundred and sixty dollars (\$660.00) for every year.

Section 13. There may be employed a watchman whose duty it shall be to look after the grounds of the Capitol, etc., whose salary shall be fifteen hundred dollars (\$1500.00) for every year.

Section 14. There may be employed by the Governor four watchmen for the Capitol whose salaries shall be twelve hundred dollars (\$1200.00) each for every year.

Section 15. There may be employed by the Governor four servants for the executive offices, departments and boards, who shall receive six hundred dollars (\$600.00) each for every year.

Section 16. There may be employed in the office of the Adjutant General clerical assistants as follows: (1) One assistant to the Adjutant General whose salary shall be two thousand dollars (\$2000.00) for every year; (2) One State property and disbursing officer, and assistant to the Adjutant General, whose salary shall be three thousand dollars (\$3000.00) per annum; (3) One U. S. property and disbursing officer, whose salary shall be twenty-four hundred (\$2400.00) for every year; (4) One assistant to U. S. property and disbursing officer, whose salary shall be fifteen hundred dollars (\$1500.00) for every year; (5) Two stenographers whose salary shall be twelve hundred dollars (\$1200.00) each for every year; (6) One clerk whose salary shall be six hundred dollars (\$600.00) for every year.

Section 17. There may be employed in the office of the Public Service Commission assistants, as follows: (1) One chief engineer, whose salary shall be five thousand dollars (\$5000.00) for every year; (2) One assistant engineer, whose salary shall be three thousand dollars (\$3000.00) for every year; (3) One supervisor and inspector, whose salary shall be twenty-four hundred dollars (\$2400.00) for every year; (4) One secretary, whose salary shall be thirty-six hundred dollars (\$3600.00) for every year; (5) One rate clerk, whose salary shall be twenty-one hundred dollars (\$2100.00) for every year; (6) One freight bill auditor whose salary shall be eighteen hundred dollars (\$1800.00) for every year; (7) One file clerk, whose salary shall be fifteen hundred dollars (\$1500.00) for every year; (8) One certified accountant, whose salary shall be nine hundred dollars (\$900.00) for every year; (9) Three stenographers, whose salary shall be twelve hundred dollars (\$1200.00) each for every year; (10) One rate expert \$4500.00 per year; (11) One special assistant Attorney General whose salary shall be \$4500.00 a year.

Section 18. There may be employed in the office of Superintendent of Banks clerical assistants as follows: (1) Four Bank Examiners whose salary shall be not exceeding three thousand dollars (\$3000.00) and not less than eighteen hundred dollars (\$1800.00) each for every year; (2) One office assistant, whose salary shall be twenty-four hundred dollars (\$2400.00) for every year; (3) One stenographer, whose salary shall be twelve hundred dollars (\$1200.00) for every year.

Section 19. There may be employed in the office of the Inspector of Jails and Almshouses, clerical assistants as follows: (1) One chief clerk whose salary shall be two thousand dollars (\$2000.00) for every year; (2) One deputy inspector, whose salary shall be eighteen hundred dollars (\$1800.00) for every year; (3) One stenographer whose salary shall be twelve hundred dollars (\$1200.00) for every year.

Section 20. In the insurance department there may be employed one deputy insurance commissioner at a salary of three thousand dollars (\$3000.00) for each year; one chief clerk at a salary of eighteen hundred dollars (\$1800.00) for each year; one license clerk and stenographer at a salary of fifteen hundred (\$1500.00) for each year; one file and record clerk at a salary of twelve hundred dollars (\$1200.00) for each year; one workmen's compensation clerk at a salary of twenty-four hundred dollars (\$2400.00) for each year.

Section 21. There may be employed in the Department of Conservation clerical assistants as follows: (1) One clerk whose salary shall be twelve hundred dollars (\$1200.00) for every year.

Section 22. There may be employed in the office of the State Fire Marshal, clerical assistants as follows: (1) Four deputy fire marshals, whose salary shall be eighteen hundred dollars (\$1800.00) each for every year; (2) One stenographer, whose salary shall be twelve hundred dollars (\$1200.00) for every year.

Section 23. There may be employed a clerk for the Court of Appeals, whose salary shall be three thousand dollars (\$3000.00) for every year; (2) One Assistant clerk for the Court of Appeals, whose salary shall be one thousand seven hundred fifty dollars (\$1750.00) for every year; (3) One secretary to the Court of Appeals, whose salary shall be two thousand dollars (\$2000.00) for every year.

Section 24. There may be employed a clerk for the Supreme Court whose salary shall be thirty-six hundred dollars (\$3600.00) for every year; One assistant clerk, whose salary shall be twenty-four hundred dollars (\$2400.00) for every year. (3) One stenographer, whose salary shall be twelve hundred dollars (\$1200.00) for every year; (4) One Court reporter whose salary shall be thirty-six hundred dollars (\$3600.00) for every year; (5) One secretary to the Chief Justice, whose salary shall be twelve hundred dollars (\$1200.00) for every year. (6) One marshal, whose salary shall be three thousand (\$3000.00) for every year; (7) One assistant librarian, whose salary shall be fifteen hundred dollars (\$1500.00) every year. (8) One servant, whose salary shall be six hundred dollars (\$600.00) for every

year; (9) Two secretaries, whose salary shall be twenty-four hundred dollars (\$2400.00) each for every year.

Section 25. Whenever the employment of any clerical assistance in addition to that prescribed by this Act in any of the State departments may become necessary in the transaction of the public business, the head of such department must certify to the President of the State Board of Convict Supervisors an application for such additional force, setting forth the contingency and the nature and extent of the work to be done and that the same cannot be performed within the time that the public interest requires by the regular force employed in such department and thereupon the President of the Board of Convict Supervisors being satisfied that the public interest demands such service, must certify his approval to the Governor. In the event the Governor approves such employment, he must issue an order authorizing the employment of such clerical assistance for such time as the President of the Board of Convict Supervisors certified was necessary and cause the application and order to be filed with the President of the Board of Convict Supervisors who shall, upon the Governor's approval, make such employment.

Section 26. That the salary or compensation fixed by this Act is the maximum amount to be paid the employee whose salary or compensation is hereby fixed; the officer or person, however, authorized to make the employment of persons whose salaries or compensation are hereby fixed, may make such employment at a sum less than the salary or compensation herein prescribed if employment at such less salary can be made without injuring the efficiency in the discharge of the duties.

Section 27. That the salaries as fixed in this Act shall be in full for all duties and services now required or which may hereafter be required of such officers or employees.

Section 28. That after the salary or compensation fixed by this Act becomes effective, it shall be unlawful for any officer, appointee or employee whose salary is fixed by this act to accept any increase above the maximum herein fixed in salary or any further compensation for additional duties placed upon him as for additional services performed in the scope of his duties as such officer, appointee or employee and a violation of this act shall constitute a misdemeanor and such officer, appointee or employee shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) and shall be subject to impeachment and it shall be the duty of the Governor, upon violation of this Act by any officer to require the Attorney General to institute and prosecute impeachment proceedings against such officer and upon the violation of this Act by any appointee or employee, it shall be the duty of the Governor to dismiss or cause to be dismissed the said appointee or employee.

Section 29. That section one of this bill shall become effective on the first Monday after the second Tuesday in January, 1927; that all other sections of said bill shall become effective upon the approval of the Governor.

Section 30. When the salary or compensation of any officer, or employee, as fixed in this Act has heretofore been paid out of the appropriation made to such particular department for its maintenance or expenses, the salaries or compensations so fixed by this Act shall continue to be paid out of such appropriation for such particular department and the fixing of such salaries or compensations specified in this Act shall not be construed as an additional appropriation in such instances to the appropriation for the maintenance or expenses of the department.

Approved Sept. 29, 1923.

No. 601.)

AN ACT

(S. 367. Pelham.

To revise and amend Chapter 20 of the Code of 1907.

Be it enacted by the Legislature of Alabama: That Chapter 20 of the Code of Alabama, of 1907, be revised and amended so as to read as follows:

656. Department of Game and Fisheries created and power vested in Commissioner of Game and Fisheries.—The Department of Conservation of the State of Alabama shall, hereafter, be termed the Department of Game and Fisheries, and the Commissioner of Conservation shall, hereafter, be known as the Commissioner of Game and Fisheries, and he is hereby vested with the power to enforce and administer all laws providing for the preservation, protection, propagation and development of wild birds, wild fur-bearing quadrupeds, game, fish and salt-water fish, shrimp, oysters and other shell fish, crustaceans, and all other natural resources within the State or within the territorial jurisdiction of the State, which have not been reduced to private ownership.

657. Present Commissioner of Conservation to become Commissioner of Game and Fisheries.—The present incumbent in the office of Commissioner shall become the Commissioner of Game and Fisheries, and the Commissioner of Game and Fisheries shall hold his office for the length of time prescribed in the next succeeding section.

658. Creation of office of Commissioner of Game and Fisheries; and providing for his election.—There is hereby created the office of Commissioner of Game and Fisheries who shall hold office until his successor is elected and qualified. His successor shall be elected by the qualified electors of the State at the general election in 1924 and shall hold office for a term of six years;

and his term of office shall begin on the first Monday after the second Tuesday in January next after his election.

659. Providing office for Commissioner, and providing secretary and book-keeper, and their salaries.—The Commissioner of Game and Fisheries shall be provided with a suitable office at the State Capitol, and he shall employ a secretary at a salary of \$1,500.00 per annum and a book-keeper at \$1,800.00 per annum, payable monthly out of the game and fish protection fund, and in the same manner as other State officers are paid, who shall each give bond in the sum of \$2,000.00 with a reliable surety company, approved by the Secretary of State, conditioned that each will well and truly account for and apply all moneys which may come into their hands in their official capacity, and for the faithful performance of their duty.

660. Bond, oath and commission of Commissioner of Game and Fisheries.—Before entering upon the discharge of his duties, the Commissioner of Game and Fisheries shall take the oath of office provided by law for other State officers, and shall give bond in the sum of Five Thousand (\$5,000.00) Dollars with a reliable surety company, approved by the Secretary of State, conditioned that he will well and truly account for and apply all moneys which may come into his hands in his official capacity, and that he will faithfully perform the duties enjoined on him by law, and he shall be commissioned by the Secretary of State.

661. Seal of Office.—The Commissioner of Game and Fisheries shall keep a Seal of office which shall be used to authenticate all papers and documents issued and executed by him as such officer, and he shall carefully keep and preserve all records of any and all officers and departments heretofore transferred by law to his office, and all records relating or pertaining to his office.

662. Salary of Commissioner, expenses provided for.—The Commissioner of Game and Fisheries shall receive a salary of Four Thousand (\$4,000.00) Dollars per annum, payable monthly out of the game and fish protection fund, in the same manner as other State officers are paid, and he shall be allowed reimbursement for his expenses when traveling within or without the State in the discharge of the duties of his office, payable upon approval of the Governor, out of the game and fish protection fund if such expenses be incurred in connection with the discharge of his duties relating to the preservation and propagation of birds, game, freshwater fish, wild fur-bearing quadrupeds, out of the oyster fund if such expenses be incurred in connection with the discharge of his duties relating to the protection of salt-water fish, oysters or other shell fish, or crustaceans. The expenses incurred for any purpose by this Chapter

shall be limited to the amount of money in the State Treasury to the credit of the game and fish protection fund and to the credit of the oyster fund, and in no event shall the State pay any salary or expenses, or be liable in any manner thereafter except to the extent of such funds; provided that the funds arising under the provisions hereinafter provided shall be spent solely and exclusively for carrying out the provisions of this Chapter, and if a surplus shall be left at the close of any fiscal year, it shall be covered into the general fund, provided however that no part of the revenues in the game and fish protection fund nor in the oyster fund shall be used for any other purpose than that for which said revenues are collected until the close of each fiscal year.

663. Commissioner to appoint wardens and deputies; their compensation.—The Commissioner of Game and Fisheries shall have power to appoint a game and fish warden in each county of the State and as many deputies as will in his opinion be necessary to enforce the Game and Fish Laws and other conservation statutes, which now are or may subsequently be enacted. Said game and fish wardens and their deputies while acting under the instructions of the Commissioner of Game and Fisheries, in the investigation of alleged violations and in the enforcement of the conservation statutes in their respective counties, or districts, shall receive as compensation four (\$4.00) dollars per day and their actual traveling expenses, payable out of the game and fish protection fund.

664. Commissioner to have power to adjust all claims.—The Commissioner of Game and Fisheries shall have the power to adjust all claims, upon the presentation to him of affidavit to the injured party supported by the affidavits of disinterested and competent witnesses, and upon proof which to him is good and sufficient, for damages done to the growing crops by the State's elk, but shall make no award in any case exceeding \$50.00, such award, upon the approval of the Governor, to be paid out of the game and fish protection fund.

665. Commissioner to make reports to Governor and Legislature.—The Commissioner of Game and Fisheries shall make a report to the governor, during the month of October, every four years, preceding the assembling of the Legislature, showing official business transacted by him, and he shall, upon the approval of the Governor, issue and cause to be printed bulletins bearing upon the conservation of the natural resources of the State, and he shall gather and compile information for the use of the Governor and the Legislature, concerning such natural resources and shall make such recommendations for the passage of such additional laws as, in his judgment, will best conserve such resources, and to this end he shall offer before the Legislature sufficient reports to acquaint the said Legislature with the

needs of legislation touching his office and for the preservation and propagation of said subjects under control of his office.

666. Commissioner to introduce birds, game and fish in desirable localities.—The Commissioner of Game and Fisheries shall have the power to introduce desirable species of birds, game and fish, and to cause the same to be distributed in such localities best suited to the habits of such birds, game and fish; and he may also under proper regulations cause to be planted resident game birds and animals in suitable localities within the State when such game birds or animals have become depleted or when new stock is desirable.

667. Itemized statement of receipts and disbursements filed by Commissioner, monthly.—At the end of each calendar month said Commissioner of Game and Fisheries shall file with the Governor an itemized statement under oath of all sums of money received or expended by him in the discharge of his official duty, including clerical services, salaries, and expenses while travelling under special order as hereinafter provided, postage, stationery, and other necessary incidental expenses.

668. Accounts, approval and payment of.—Upon the approval of such accounts by the Governor, the auditor shall draw his warrant for such amount, which shall be paid monthly out of the game and fish protection fund.

669. Accounts audited.—The office and accounts of the Commissioner of Game and Fisheries shall be audited by the direction of the Governor in the same manner as the office and accounts of other State officers are audited.

670. Commissioner to enforce all laws; power to seize all birds, game and fish taken in violation of law.—The Commissioner of Game and Fisheries shall enforce all laws now enacted or that may be hereafter enacted for the protection, propagation and preservation of game animals, birds, fresh and salt-water fish, shrimp, oysters and other shell-fish, crustaceans and all other natural resources, not reduced to private ownership, in this State, and shall prosecute all persons who violate such laws; and he shall at any and all times seize any and all birds, animals and fish that have been caught or killed at a time, in a manner, or for a purpose, or in possession or which have been shipped, contrary to the game and fish laws of this State.

671. Blanks and other printed matter provided for.—The blanks and other printed matter necessary to carry out the provisions of the game and fish laws shall be printed under the direction of the Commissioner of Game and Fisheries, and shall be paid in like manner and upon the same terms as other public printing.

672. Publication of conservation laws.—The Commissioner of Game and Fisheries shall publish in pamphlet form for gen-

eral distribution the laws relating to game, birds, fish, sea-foods, and all other matters over which such Commissioner has authority or supervision.

673. Commissioner and his wardens, deputies and agents may serve process.—The Commissioner of Game and Fisheries and his deputies, wardens or agents, may serve criminal process as sheriffs and constables.

674. The Commissioner to appoint precinct advisors.—The Commissioner of Game and Fisheries shall appoint one advisor in each precinct in the State, who shall be selected on account of his interest in the conservation of the State's wild life resources and the enforcement of the statutes relating thereto. It shall be the duty of said advisor to keep in touch with the county game and fish warden in his county, or the deputy game and fish warden in his district, and to inform him of any infractions of the conservation statutes within his community, and furnish such information as is possible for him so to do, relative to said infractions and assist in securing evidence of said infractions or violations. Upon the conviction of an alleged violator for which the precinct advisor or other citizen, other than a salaried warden, is responsible, he shall receive one-half of the fine imposed by the Court and it shall by the Court, or clerk thereof, be paid to him. But where a warden in the employ of the State procures the evidence by means of his own investigation, and a conviction is obtained thereupon, the Court collecting the fine imposed shall remit same to the Commissioner of Game and Fisheries, who shall forthwith make remittance to the State Treasurer who shall cover same into the game and fish protection fund.

675. Bonds of wardens, deputies, or agents; conditions of.—The Commissioner may require his game and fish wardens, deputies or agents to give bond in the sum of five hundred (\$500.00) dollars, payable to the State, with a surety company doing business in Alabama, as surety conditioned that he will well and truly perform all the duties enjoined upon him by law, or required to be performed by him by the Commissioner, in carrying out the provisions of law, and to account for any and all moneys which may come into his hands in the discharge of said duties.

676. Ex-officio deputy game wardens.—All sheriffs, deputy sheriffs, marshals, constables and policemen, or other peace officers of this State, are ex-officio deputy game and fish wardens.

677. Forest fires provided against.—The game and fish wardens, or agents, shall, while in and about the woods, caution all sportsmen of the danger from fires and extinguish all fires left burning by any one if within their power, and shall give notice to any and all persons interested, when possible, of fires

raging beyond their control, to the end that the same may be extinguished.

678. Certificate to collect birds, nests, eggs, etc.—Certificates may be granted by the Commissioner of Game and Fisheries, upon the payment of one dollar to defray the necessary expenses attending the granting of such certificates, to any properly accredited person, permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes only. In order to obtain such certificates the applicant for the same must present to the Commissioner of Game and Fisheries written testimonial from two well known ornithologists, one of whom shall be a resident of this State, certifying to the good character and fitness of said applicant to be entrusted with such privileges. Such certificates shall expire on the 31st. day of December of the year in which they are issued.

679. Permit to capture game; when issued.—The Commissioner of Game and Fisheries, upon the payment of one dollar, may issue permits to any person to take, capture, or transport not more than ten pair of any one species of game, birds or fish within or without this State, when satisfied that such person applying for said permit desires the same exclusively for scientific or propagating purposes.

680. All hunting licenses dated when issued; naming time when hunting allowed under restrictions and regulations.—All hunting licenses shall be dated when issued, and shall authorize the person named herein to hunt from October 1st. to September 30th. following, and then only within the regulations and restrictions provided by law.

681. All hunting licenses to be numbered consecutively; blanks to be furnished probate judges, etc.—All hunting licenses shall be numbered consecutively at the time they are printed, and resident and non resident hunting licenses blanks shall be furnished by the Commissioner of Game and Fisheries to the Judge of Probate of the various counties, and the Commissioner of Game and Fisheries shall deliver to the Judges of Probate in the State fifteen days before the 1st. day of October in each year as many hunting licenses as may be required, and shall charge the Judges of Probate with the number issued to them. On the 1st day of May in each year, or within ten days therefrom, each Judge of Probate shall return to the Commissioner of Game and Fisheries all unused hunting licenses and stubs of hunting licenses issued.

682. County licenses; how obtained.—Any person who has been a bona fide resident of this State for one year then past may procure a county hunting license for himself or herself by filing his or her affidavit with the probate judge in the county in which he or she resides, stating his or her age, place of residence, post office address, color, color of his or her hair, and

eyes, and the fact whether or not he or she can write his or her name, and by paying the said judge of probate the sum of one dollar.

683. State license; how obtained.—Any person who has been a bona fide resident of the State for one year then past may procure a State hunting license for himself or herself by filing with the probate judge of the county to whom he applies for license the affidavit provided by the preceding sections, and by paying to the said probate judge the sum of three dollars, which shall entitle him or her to a State hunting license and shall authorize him or her to hunt in any county in this State.

684. Non-resident hunting license; how obtained.—Any non-resident or alien of this State may procure a license for hunting by filing his or her affidavit with the Judge of Probate of any county in this State, stating his or her age, place of residence, post office address, color, color of hair and eyes, and the fact whether or not he or she can write his or her name, and by paying the said Judge of Probate the sum of \$25.00.

685. Probate Judge and Commissioner of Game and Fisheries to issue hunting licenses.—The Judge of Probate shall issue all hunting licenses, resident and non-resident, under the seal of his office to all persons complying with the provisions of this Chapter, and shall sign the same and shall require the person to whom the license is issued to sign his or her name on the margin thereof; provided the Commissioner of Game and Fisheries may issue hunting licenses when application is made directly to him. The Judges of Probate shall keep a correct and complete record of all licenses, issued, in a book to be furnished by the Commissioner of Game and Fisheries, where record shall remain in his office and be open to the inspection of the public at all reasonable times.

686. Money received from licenses; how disposed of.—Judge of Probate shall retain of the money received of each license issued the sum of fifteen cents, which shall cover the swearing of the applicant to the affidavit referred to in this Chapter, and all other services under this Chapter, and shall pay the balance to the Commissioner of Game and Fisheries on the 1st. day of each month, which amount shall be covered into the State Treasury to the credit of the game and fish protection fund, and said judges of Probate shall report to the Commissioner of Game and Fisheries on the 1st. day of each month the number of licenses issued and to whom issued, and the amount of money remitted to be placed to the credit of the game and fish protection fund.

687. Licenses printed on distinctive colors.—The licenses for residents and non-residents shall be printed on distinctive colors.

688. Game and Fish Protection Fund created and disposed of.—All moneys arising from the sale of hunting licenses, fines, penalties, forfeitures or from other sources under the game and fish laws of this State, shall be forwarded on the 1st day of each month to the Commissioner of Game and Fisheries by the officer, court or other person authorized to collect same, and shall by the Commissioner of Game and Fisheries be remitted to the State Treasurer and shall by him be placed in the Treasury in a separate fund to be known as the "game and fish protection fund"; for the payment of the salary of the Commissioner of Game and Fisheries and his necessary incidental expenses, also the payment of the expenses of the game and fish wardens and agents when acting under instructions of the Commissioner, likewise the salaries of the secretary of the Department of Game and Fisheries and the book-keeper of said Department. The expenses incurred for any purpose or in consequence of this Chapter shall be limited to the amount of money in the game and fish protection fund, and in no event shall this money be spent for any other purpose than that provided in the laws relating to the duties of the office of Commissioner of Game and Fisheries.

Section 689. That the book-keeper and secretary provided in section 659 of this Act shall be employed only in the event in the opinion of the Governor such employment is necessary, and their salary shall be fixed by the Governor at not exceeding the amount heretofore provided. That no expense allowed to be incurred by this act shall be paid without the approval of the Governor.

Approved October 1, 1923.

INTEREST LAWS AND STATUTES OF LIMITATION.

	Interest Laws.		Statutes of Limitation.		
	Legal Rate.	Rate allowed by Contract.	Judgments Years.	Notes Years.	Open Account: Years.
Alabama	8	8	20	6	3
Alaska	8	12	10	6	1
Arkansas	6	10	10	5	3
Arizona	6	12	5	4	3
California	7	1	5	4	4
Colorado	8	1	20	6	6
Connecticut	6	6	2	1	6
Delaware	6	6	10	¹⁵ 6	3
District of Columbia	6	10	12	3	3
Florida	8	10	20	¹⁵ 5	2
Georgia	7	8	7	¹⁵ 6	4
Idaho	7	12	6	5	4
Illinois	5	7	20	10	5
Indiana	6	8	20	10	6
Iowa	6	8	⁶ 20	10	5
Kansas	6	10	5	5	3
Kentucky	6	6	15	15	¹⁵ 5
Louisiana	5	8	10	5	3
Maine	6	1	20	¹⁵ 6	⁶ 6
Maryland	6	6	12	3	3
Massachusetts	6	1	20	6	6
Michigan	5	7	10	6	6
Minnesota	7	10	10	6	6
Mississippi	6	10	7	6	3
Missouri	6	8	10	10	5
Montana	8	1	⁵ 10	8	5
Nebraska	7	10	⁵ 5	5	4
Nevada	7	1	6	4	4
New Hampshire	6	6	20	6	6
New Jersey	6	6	20	6	6
New Mexico	6	12	7	6	4
New York	6	⁶ 6	¹¹ 20	6	⁶ 6
North Carolina	6	6	10	³ 3	3
North Dakota	7	12	¹⁵ 10	6	⁶ 6
Ohio	6	8	¹⁵ 15	15	6
Oklahoma	6	10	²⁵ 5	5	3
Oregon	6	10	10	6	6
Pennsylvania	6	6	¹⁵ 5	¹⁵ 6	6
Rhode Island	¹⁵ 6	1	20	6	6
South Carolina	7	8	10	6	6
South Dakota	7	12	²¹ 10	6	6
Tennessee	6	6	10	6	6
Texas	6	10	⁵ 10	4	2
Utah	8	12	8	6	4

INTEREST LAWS AND STATUTES OF LIMITATION.—*Continued.*

	Interest Laws.		Statutes of Limitation.		
	Legal Rate.	Rate allowed by Contract.	Judgments Years.	Notes Years.	Open Accounts Years.
Vermont	6	6	8	6	¹⁶ 6
Virginia	6	6	20	¹⁵ 5	¹⁶ 2
Washington	6	12	6	6	3
West Virginia	6	6	10	10	5
Wisconsin	6	10	¹¹ 20	6	6
Wyoming	8	12	21	5	8

¹Any rate. ²Any rate, but only 6 per cent can be collected by law. ³No law.

⁴Six years from last item.

⁵In courts not of record 5 years.

⁶Twenty years in courts of record; in justice's court 10 years.

⁷Negotiable notes 6 years, non-negotiable 17 years.

⁸Becomes dormant, but may be revived.

⁹New York has by a recent law legalized any rate of interest on call loans of \$5,000 or upward, on collateral security.

¹⁰Subject to renewal.

¹¹Not of record 6 years.

¹²No limit.

¹³Foreign, domestic 6 years.

¹⁴Unless a different rate is expressly stipulated.

¹⁵Under seal, 20 years.

¹⁶Store accounts; other accounts 3 years; accounts between merchants 5 years.

¹⁷Accounts between merchants 2 years.

¹⁸Witnessed 20 years.

¹⁹Ceases to be a lien after that period.

²⁰On foreign judgments one year.

²¹Ten years foreign, 20 domestic.

STATE DEPARTMENTS

- Governor*—William W. Brandon, Tuscaloosa.
Lieutenant Governor—Charles S. McDowell, Eufaula.
Secretary of State—Sidney H. Blan, Troy.
State Auditor—William B. Allgood, Birmingham.
State Treasurer—George W. Ellis, Montgomery.
Attorney General—Harwell G. Davis, Gadsden.
Superintendent of Education—John W. Abercrombie, Anniston.
Insurance Commissioner—Frank N. Julian, Tuscumbia.
Department of Agriculture and Industries—James M. Moore, Commissioner, of Fayette.
Public Service Commission—A. G. Patterson, President, of Albany.
State Tax Commission—L. L. Herzberg, Chairman, of Gadsden.
Department of Game and Fisheries—I. T. Quinn, Commissioner, Montgomery.
State Banking Department—E. A. Jackson, Superintendent, Hartselle.
State Highway Commission—John A. Rogers, Chairman, of Gainesville; W. S. Keller, Highway Engineer, Montgomery.
Department of Archives and History—Mrs. Marie B. Owen, Montgomery, Director.
State Board of Administration—L. A. Boyd, Chairman.
Adjutant General—Hartley A. Moon, Montgomery.
Chief Mine Inspector—C. H. Nesbitt, Birmingham.
State Board of Health—Dr. S. W. Welch, of Talladega.
State Horticulturist—
State Geologist—Dr. Eugene A. Smith, Tuscaloosa.
State Chemist—Dr. B. B. Ross, Auburn.
State Veterinarian—C. A. Cary, Auburn.
State Securities Commission—William C. Oats, Executive Officer, Montgomery.
Chief Examiner of Public Accounts—Charles E. McCall, Butler.
Alabama Pension Commission—Charles E. McCall, Chairman, Butler.
State Fire Marshal—C. E. Johnson, Montgomery.
Chief Law Enforcement Agent—Walter K. McAdory, Birmingham.
State Prison Inspector—Dr. Glenn Andrews, Montgomery.
State Board of Public Accountancy—M. W. Alldridge, Chairman, Montgomery.

State Harbor Commission—Geo. Gordon Crawford, Chairman, Birmingham.

State Board of Education—A. H. Carmichael, Chairman, Tusculumbia.

State Board of Pharmacy—A. O. Thomason, Chairman, Gunter'sville.

State Board of Optometry—

State Board of Pardons—Harwell G. Davis, Chairman, Gadsden.

State Board of Dental Examiners—

State Child Welfare Department—Mrs. L. B. Bush, Director, Thomasville.

JUDICIAL.

Supreme Court—John C. Anderson, Chief Justice, Demopolis;
Junius M. Riggs, Librarian, Montgomery.

Court of Appeals—C. R. Bricken, Presiding Judge, Luverne.

OFFICERS AND MEMBERS OF THE LEGISLATURE OF ALABAMA, 1923

SENATE OF ALABAMA

OFFICERS

Charles S. McDowell, Jr., Lieutenant Governor.....	Eufaula
James B. Ellis, President Pro Tem.....	Selma
J. E. Speight, Secretary.....	Lockhart
Harrison McCutcheon, Assistant Secretary.....	Scottsboro

MEMBERS

1st District—George Duncan.....	Athens, Ala.
2nd District—Melvin Hutson.....	Decatur, Ala.
3rd District—A. A. Griffith.....	Cullman, Ala.
4th District—W. F. Garth.....	Huntsville, Ala.
5th District—Joe Johnson.....	Meltonsville, Ala.
6th District—J. C. Inzer.....	Gadsden, Ala.
7th District—W. C. Tunstall.....	Anniston, Ala.
8th District—S. C. Oliver.....	Talladega, Ala.
9th District—John W. Overton.....	Wedowee, Ala.
10th District—A. L. Harlan*.....	Alexander City, Ala.
11th District—J. M. Foster.....	Tuscaloosa, Ala.
12th District—Walter S. McNeill.....	Fayette, Ala.
13th District—Walter Brower.....	Birmingham, Ala.
14th District—C. R. Horton.....	Aliceville, Ala.
15th District—S. M. Adams.....	Thorsby, Ala.
16th District—H. M. Caffey.....	Hayneville, Ala.
17th District—Robert H. Jones.....	Evergreen, Ala.
18th District—George W. Randall.....	West Blocton, Ala.
19th District—J. M. Pelham, Sr.....	Chatom, Ala.
20th District—J. T. Carlton.....	Prentice, Ala.
21st District—Leon G. Brooks.....	Brewton, Ala.
22nd District—J. M. Bonner.....	Camden, Ala.
23rd District—A. A. Carmichael.....	Geneva, Ala.
24th District—G. Earnest Jones.....	Clayton, Ala.
25th District—Shorter C. Hudgens.....	Luverne, Ala.
26th District—R. H. Powell.....	Tuskegee, Ala.

*Successor Roy L. Nolen, resigned.

27th District—Boswell De G. Waddell.....	Seale, Ala.
28th District—C. B. Teasley.....	Montgomery, Ala.
29th District—S. B. Slone.....	Ft. Payne, Ala.
30th District—James B. Ellis.....	Selma, Ala.
31st District—John P. Middleton.....	Hamilton, Ala.
32nd District—Emmett F. Hildreth.....	Eutaw, Ala.
33rd District—John Craft.....	Mobile, Ala.
34th District—W. H. Howle.....	Heflin, Ala.
35th District—Harry K. Martin.....	Dothan, Ala.

HOUSE OF REPRESENTATIVES, 1923

OFFICERS

Speaker—Hugh D. Merrill.....	Anniston
Clerk—J. H. Stewart.....	Wedowee
Assistant Clerk—John Q. Adams.....	Ozark
Engrossing Clerk—Leon Jackson.....	Montgomery
Enrolling Clerk—J. P. Hanks.....	Montgomery
Doorkeeper—T. J. Fain.....	Ariton
Assistant Doorkeeper—L. P. Bamburg.....	Birmingham

MEMBERS

Autauga—John A. Dickinson.....	Prattville
Baldwin—P. M. Hodgson.....	Stockton
Barbour—Oscar J. Mooneyham.....	Clio
Barbour—Julius C. Cato, Jr.....	Eufaula
Bibb—N. E. Stewart.....	Blocton, R. F. D.
Blount—W. Y. Adams.....	Garden City
Bullock—J. P. Hall.....	Midway
Bullock—G. H. Jones.....	Fitzpatrick, R. F. D.
Butler—J. Lee Long.....	Greenville
Butler—Jos. N. Poole.....	Butler Springs
Calhoun—H. D. Merrill.....	Anniston
Calhoun—O. L. Stewart.....	Piedmont
Chambers—W. O. Walton.....	LaFayette
Chambers—Y. L. Burton.....	LaFayette
Cherokee—W. E. Ringer.....	Round Mountain, R. F. D.
Chilton—Mack Wyatt.....	Clanton
Choctaw—O. W. Elliott.....	Gilbertown
Clarke—John F. Boykin.....	Jackson
Clarke—T. H. Tyson.....	Thomasville
Clay—Jas. A. Smith.....	Lineville

Cleburne—J. C. Nichols.....	Heflin
Coffee—H. M. Sessions.....	Enterprise
Colbert—John E. Deloney.....	Tuscumbia
Conecuh—S. B. Sanders.....	Evergreen
Coosa—J. M. Parker.....	Equality
Covington—J. W. LeMaistre.....	Lockhart
Crenshaw—Dr. J. B. Moxley.....	Brantley
Cullman—F. E. St. John.....	Cullman
Dale—Michael Sollie.....	Ozark
Dallas—Mrs. J. G. Wilkins.....	Selma
Dallas—Wm. R. Rountree, Jr.....	Selma
Dallas—Jno. E. Young.....	Harrell
DeKalb—John P. Hawkins.....	Collinsville
Elmore—Oakley W. Melton.....	Tallassee
Elmore—Lee Hornsby.....	Eclectic
Escambia—J. H. L. Henley.....	Falco, R. 1
Etowah—C. S. Culver.....	Gadsden
Etowah—C. O. Thompson.....	Gadsden
Fayette—J. F. Ashcraft.....	Kennedy, R. F. D.
Franklin—Travis Williams.....	Russellville
Geneva—H. Grady Tiller.....	Geneva
Greene—R. H. Hatter.....	Boligee
Hale—A. M. Tunstall.....	Greensboro
Hale—W. C. Christian.....	Greensboro
Henry—E. C. Glover.....	Abbeville
Henry—S. M. Dunwoody.....	Columbia, R. F. D.
Houston—F. M. Gaines.....	Dothan
Jackson—J. K. Thompson.....	Scottsboro
Jackson—John M. Snodgrass.....	Scottsboro
Jefferson—Fred Fite.....	Birmingham
Jefferson—Lewis Bowen.....	Birmingham
Jefferson—L. K. Bowen.....	Littleton
Jefferson—R. E. Smith.....	Pinson
Jefferson—Jno. R. T. Rives.....	Birmingham
Jefferson—Mark L. Jeter.....	Birmingham
Jefferson—Henry R. Howze.....	Birmingham
Lamar—Chas. P. Odom.....	Millport
Lauderdale—C. W. Ashcraft.....	Florence
Lauderdale—Lee Glenn.....	Florence
Lawrence—J. D. L. Byars.....	Moulton
Lee—Jacob A. Walker.....	Opelika
Lee—R. C. Smith.....	Opelika
Limestone—Young Wall.....	Athens
Lowndes—R. M. Guy.....	Letohatchie
Lowndes—Dr. R. R. Moorer.....	Mt. Willing
Macon—Wm. Varner.....	Tuskegee
Madison—Jno. P. Hampton.....	Chase, R. 1

Madison—Frank C. Love	New Market
Marengo—W. G. Allen	Linden
Marengo—Henry McDaniel*	Demopolis
Marion—W. P. Letson	Brilliant
Marshall—W. M. Coleman	Albertville
Mobile—Edward J. Grove	Mobile
Mobile—Wm. H. Holcombe†	Mobile
Mobile—Vincent F. Kilborn‡	Mobile
Monroe—W. R. Blackwell	Jones Mill
Montgomery—H. H. Norman	Fleta
Montgomery—Tyler Goodwin	Montgomery
Montgomery—R. H. Arrington	Montgomery
Montgomery—Lee Calloway	Snowdown
Morgan—James A. Forman	Albany
Morgan—John Patterson	Albany
Perry—John C. Lee	Marion
Perry—Emmett Kilpatrick	Uniontown
Pickens—John W. Dowdle	Carrollton
Pike—J. T. Sanders	Troy
Pike—G. J. Hubbard	Troy
Randolph—D. T. Ware	Roanoke
Russell—H. A. Ferrell	Seale
Russell—C. D. Rutherford	Hatchechubbee
Shelby—Paul O. Luck	Columbiana
St. Clair—Frank B. Embry	Pell City
Sumter—T. P. McGowen	Cuba
Sumter—Champ Pickens	Livingston
Talladega—S. A. Burns	Talladega
Talladega—W. L. Howard	Sylacauga
Tallapoosa—G. G. Adcock	Waverly, R. F. D.
Tallapoosa—W. D. Graves	Alexander City
Tuscaloosa—C. B. Verner	Tuscaloosa
Tuscaloosa—John T. Bealle	Tuscaloosa
Walker—James B. Powell	Jasper
Walker—Chas. H. Fanning	Dora
Washington—J. W. Henson	Hawthorne
Wilcox—R. J. Goode	Gastonburg
Wilcox—Daniel Cook, Sr.	Camden, R. F. D.
Winston—J. A. Posey	Haleyville

*Successor P. B. Glass, deceased.

†Successor Robert E. Cunningham, resigned.

‡Successor John J. Russell, resigned.

INDEX

ABSCONDING FELONS.	
Appropriation for arrest of.....	754
ACTS.	
Distribution of	625
ACTS AMENDED.	
Act amending Section 153 of Code.....	634
Act amending Sections 1408 and 1409 of Code.....	13
Act amending Section 1421 of Code.....	34
Alabama Public Utility Act of 1920.....	62
Banking Department, Acts creating.....	387
Banking Department, Acts creating.....	718
Bonds, municipal, election for issue, etc., of.....	632
Budget Commission, numbers of members increased.....	22
Child Welfare Department, Acts creating.....	270
Children, delinquent, etc.....	297
Children, dependent, etc.....	277
Civil Service regulations for police and fire departments of cit- ies of 100,000 population or more.....	647
Coal, mining of, salary of Mine Inspectors.....	670
Commission form of government of cities of 100,000 population or over	109
Convicts, employment of in mining coal.....	6
County Treasurers, duties, etc., of in counties of 200,000 popu- lation or more.....	366
Court Reporters—appointment, etc., of.....	662
Deputy Circuit Clerks—Appointment, etc., of in certain circuits.....	108
Deputy Circuit Clerks—Appointment, etc., of in certain circuits.....	692
Deputy Circuit Clerks—Appointment, etc., of in certain circuits.....	657
Deputy Circuit Solicitor—Appointment, etc., of in certain cir- cuits	201
Deputy Registers—Appointment, etc., of in certain circuits.....	108
Deputy Registers—Appointment, etc., of in certain circuits.....	602
Deputy Registers—Appointment, etc., of in certain circuits.....	657
Educational System—Providing for complete for Alabama.....	156
Educational System—Providing for complete for Alabama.....	255
Educational System—Providing for complete for Alabama.....	692
Educational System—Providing for complete for Alabama.....	722
Examiners of Public Accounts—Number increased.....	54
Farm Loan Bonds—Promote sale of.....	787
Forests, protection, etc., of.....	638
Inferior courts, regulation of.....	251
Inferior courts, regulation of in cities of 35,000 or more.....	745
Law library—Support, etc., of in counties of 200,000 or more.....	560
Mental inferiors—Home for.....	738
Military forces of State—Regulation, etc., of.....	231
Pension funds, police and fire departments of cities of 100,000 or more	663
Pension funds, police and fire departments of cities of 100,000 or more	765

ACTS AMENDED—Continued.

Private corporations, manner of selling property of.....	249
Public roads and bridges, counties imposing tax on certain vehicles	61
Public roads and bridges, construction, etc., of.....	370
Public roads and bridges, parties relieved from working in counties having tax value of \$100,000,000 or more.....	219
Revenue of State, providing for general.....	266
Solicitors, election, etc., of in each judicial circuit.....	203
Solicitors, election, etc., of in each judicial circuit.....	577
Solicitors, election, etc., of in each judicial circuit.....	751
State Bar Associations—Regulation of.....	587
State Board of Control and Economy.....	67
Women, Home for Aged.....	24

ACTS REPEALED.

Amending Sections 4594 and 4595 of Code; penalty on fire insurance company for member of rate-making association.....	381
Providing a limitation for bringing of suits for recovery of personal property, where title founded on mortgage or conditional sale	728
State Board of Control and Economy.....	39
State Board of Control and Economy.....	53
Tuberculosis, preventing spread of.....	750

ADJUTANT GENERAL.

Appropriation for salary.....	789
Appropriation for salary of assistants in office.....	792

ADMINISTRATORS.

Settlement, etc., by.....	255
---------------------------	-----

AGRICULTURAL CODE.

Contents of, etc.....	399
-----------------------	-----

AGRICULTURE AND INDUSTRIES.

Department created, etc.....	403
Joint committee to consider legislation affecting.....	83
State Board of created, etc.....	399

AGRICULTURAL PRODUCTS.

Standards for and containers therefor.....	480
--	-----

AGRICULTURAL SEEDS.

Defined—Sale, etc., of regulated.....	427
---------------------------------------	-----

ALABAMA—FLAG OF.

Proper display in schools of State.....	590
---	-----

ALABAMA BOYS' INDUSTRIAL SCHOOL.

Appropriation for maintenance.....	788
Appropriation for deficit.....	788
Trustees authorized to sell lands, etc., of.....	646

ALABAMA CITY.

Amendment proposed to Constitution authorizing levy and collection of additional tax on property therein.....	597
---	-----

ALABAMA COLLEGE.	
Appropriation for	365
Name changed to	255
ALABAMA DAY.	
Designated—Observance of	262
ALABAMA HOME.	
Name changed to	738
ALABAMA HOME FOR MENTAL INFERIORS.	
Acts establishing, etc., amended—Name changed	738
Appropriation for completion, etc.	11
Appropriation for maintenance	12
ALABAMA NATIONAL FORESTS.	
Manner of disbursement of funds derived from sale, etc., of	660
ALABAMA POLYTECHNIC INSTITUTE.	
Appropriation for	365
ALABAMA PUBLIC SERVICE COMMISSION.	
Alabama Public Utility Act of 1920 amended as to	62
Appropriation for salary of members of	755
Appropriation for salary of members of	789
Appropriation for salary of assistants in office	792
Authority enlarged over public utilities engaged in interstate commerce	686
Concentration and transit privileges and rates may be permitted, fixed, etc., by	259
Duties under Senate Joint Resolution 157	393
Regulation of tariffs, depots, etc., by	266
ALABAMA ROOM IN CON. MEMORIAL HOSPITAL AT RICHMOND, VA.	
Appropriation for	386
ALABAMA SCHOOL FOR BLIND.	
Appropriation for maintenance	736
ALABAMA SCHOOL FOR DEAF.	
Appropriation for insurance on and repair of buildings	715
Appropriation for maintenance	713
Board of Trustees of, appointment, etc.	714
ALABAMA SCHOOL FOR NEGRO DEAF AND BLIND.	
Appropriation for constructing, etc., buildings	387
Appropriation for maintenance	715
ALABAMA SCHOOL OF TRADES AND INDUSTRIES.	
Appropriation for	735
Authority of Trustees as to change of location, etc.	627
ALABAMA STATE DEPARTMENT OF ARCHIVES AND HISTORY.	
Appropriation for maintenance	755
Appropriation for salary of Director	755

ALABAMA STATE DEPARTMENT OF ARCHIVES AND HISTORY—Continued.

Appropriation for salary of Director.....	789
Appropriation for salary of office assistants.....	791
Election of Trustees from 10th Congressional District.....	23

ALLEYS. (See Streets.)

ALLISON, HON. E. F.	
Resolution extending thanks to.....	30

AMERICAN LEGION.	
Greetings extended to.....	218
Unlawful for person not member of to wear insignia or emblem.....	727

APPEALS.	
From recorder's court of municipality where corporate limits are in different counties, regulated, etc.....	100
To Supreme Court from interlocutory judgments, decrees, regulated.....	250

APPROPRIATIONS.

Absconding felons, arrest of.....	754
Adjutant General, salary of.....	789
Adjutant General, salary of office assistants.....	792
Alabama Boys Industrial School.....	788
Alabama College.....	365
Alabama Home for Mental Inferiors (Construction, etc.).....	11
Alabama Home for Mental Inferiors (Maintenance).....	12
Alabama Polytechnic Institute.....	365
Alabama Room Con. Memorial Hospital at Richmond, Va.....	386
Alabama School for Blind.....	736
Alabama School for Deaf (Insurance on buildings, etc.).....	715
Alabama School for Deaf (Maintenance).....	713
Alabama School for Negro Deaf and Blind (Construction, etc.).....	387
Alabama School for Negro Deaf and Blind (Maintenance).....	715
Alabama School of Trades and Industries.....	735
Attorney General, salary of.....	753
Attorney General, salary of.....	789
Attorney General, salary of office assistants.....	753
Attorney General, salary of office assistants.....	790
Capitol Building and Grounds—Repair and upkeep.....	754
Child Welfare Department—Salary of Director.....	789
Circuit Judges, salary of.....	754
Circuit Solicitors, salary of.....	754
Clement, Clifton E., relief of.....	364
Commissioner of Agriculture and Industries, salary of.....	789
Commissioner of Conservation, salary of.....	790
Commissioner of Conservation, salary of clerk.....	793
County High Schools.....	688
Court of Appeals—Salary of Justices.....	753
Court of Appeals—Salary of Justices.....	790
Court of Appeals—Salary of assistants.....	753
Court of Appeals—Salary of assistants.....	793
Department of Archives and History—Salary of Director.....	755
Department of Archives and History—Salary of Director.....	789
Department of Archives and History—Salary of assistants.....	791
Department of Archives and History—Maintenance.....	755
Deputy Solicitors—Salary of.....	755

APPROPRIATIONS—Continued.

Doorkeeper of House and Senate.....	75
Enforcement of laws of State.....	560
Examiners of Public Accounts—Salary and expenses of.....	790
Feeding prisoners.....	30
First White House of Confederacy.....	248
Fuel, lights and water.....	754
Garrison, O'Dell, relief of.....	727
Governor—Contingent fund of.....	753
Governor—Interest contingent fund of.....	754
Governor—Salary of.....	752
Governor—Salary of.....	789
Governor—Salary of assistants to.....	752
Governor—Salary of assistants to.....	790
Governor—Proclamations, publication of.....	755
Governor's Mansion, maintenance, etc., of.....	754
Governor's Mansion, repairs, etc., of.....	559
Greenwood, Arthur, Spiro & Harry, relief of.....	745
Hale, Thos. J., relief of.....	686
Hanks, J. P., relief of.....	216
Hog cholera, tuberculosis, etc.....	8
Inspector of Jails and Almshouses, salary of.....	790
Inspector of Jails and Almshouses, salary of assistants.....	793
Insurance Commissioner, salary of.....	790
Insurance Commissioner, salary of assistants.....	793
Insurance on Capitol building and furniture.....	754
Interest on bonded debt.....	754
Interest on constitutional loans.....	754
Jester, Alto V., relief of.....	363
Jones, Ennis Roy, relief of.....	342
Kirtland, J. W., relief of.....	18
Legislature, per diem, etc., of.....	317
Mine Inspectors, salary of.....	670
Mine Inspectors, salary of.....	789
Official bonds—Premiums on.....	755
Ordinary expenses of State, etc.....	752
Postage and post office box rent.....	754
Presidential Electors.....	755
Prisoners—Feeding of.....	30
Prisoners—Feeding of.....	755
Prisoners—Removal of.....	754
Public documents, distribution of.....	754
Public printing and binding.....	754
Public Service Commission—Salary of members.....	755
Public Service Commission—Salary of members.....	789
Public Service Commission—Salary of assistants.....	792
Recess committees—Per diem and mileage of.....	577
Rural school houses—Erection, etc., of.....	645
Scottenn Coal, Inc., relief of.....	221
Secretary of State, salary of.....	789
Secretary of State, salary of assistants.....	791
Servants at Capitol—Salary of.....	753
Servants at Capitol—Salary of.....	792
Sheriffs—For feeding prisoners.....	30
Sheriffs—For preparing and serving food.....	645
Slaughter, H. W., relief of.....	557
Soldiers' Home at Mt. Creek, buildings, etc.....	628
State Auditor, salary of.....	789

APPROPRIATIONS—Continued.

State Auditor, salary of assistants.....	790
State Board of Convict Supervisors, salary of.....	789
State Board of Education, expenses, etc.....	690
State Board of Health.....	575
State Fire Marshal, salary of assistants.....	793
State Geologist, salary and expenses.....	683
State officials, employees, etc.....	789
State Securities Commission, salary of.....	755
State Tax Commission, salary of.....	789
State Treasurer, salary of.....	789
State Treasurer, salary of assistants.....	791
Stationery and office supplies.....	754
Stollenwerck, Frank, relief of.....	595
Striplin, M. M., relief of.....	551
Superintendent of Banks—Salary of.....	789
Superintendent of Banks—Salary of assistants.....	792
Superintendent of Education, salary of.....	789
Superintendent of Education, salary of assistants.....	792
Supreme Court—Salary of Justices.....	753
Supreme Court—Salary of Justices.....	790
Supreme Court—Salary of assistants.....	753
Supreme Court—Salary of assistants.....	793
Telephone and telegrams.....	754
Tick eradication.....	17
Topographical survey and map.....	682
University of Alabama.....	365
Vocational training.....	689
Watchmen at Capitol, salary of.....	758
Watchmen at Capitol, salary of.....	791-2

ASSESSMENTS.

Force of Judgment—Execution therefor.....	217
---	-----

ASSISTANT SOLICITORS.

Compensation of in circuits of 1 county and having more than 2 and less than 9 circuit judges.....	555
---	-----

ATLANTA, GEORGIA.

Endorsed as city for holding National Democratic Convention.....	98
--	----

ATTORNEY GENERAL.

Appropriation for salary of.....	754
Appropriation for salary of.....	799
Appropriation for salary of assistants.....	754
Appropriation for salary of assistants.....	790
Duties under Act donating land to Emma Johnson.....	661
Duties under Act securing additional property for State.....	689
Further regulate office of.....	40
Investigation by of certain exemption statutes.....	55

AUCTION—PUBLIC.

Sale of certain articles regulated.....	691
---	-----

AUTOMOBILES. (See Motor Vehicles.)

AVENUES. (See Streets.)

BAIL.	
Provided in certain felony cases.....	87
BAILIFFS.	
Appointment, salary, etc. of in counties of 200,000 or more.....	283
Appointment, etc. of in circuits of one county and having one judge	369
BANKING DEPARTMENT. (See Banks.)	
BANKS.	
Assessment of for taxation.....	160
Assessment of shares of for taxation.....	161
Change from National to State authorized and regulated.....	383
Creating Department of—Act amended.....	385
Creating Department of—Act amended.....	718
Examination and supervision of.....	716
Derogatory statements as to prohibited—Penalty.....	758
Libel and slander of prohibited—Penalty.....	758
Relieved from liability to depositor for payment of forged check under certain conditions.....	579
Securities deposited with State Treasurer for doing trust business	719
BARLEY.	
Sale, etc., of regulated.....	450
BEEES AND HONEY.	
Regulations as to shipment, sale, etc.....	426
BENSON, ADMIRAL.	
Invited to address Legislature as to merchant marine.....	1
BILLIARD ROOMS.	
Defined, regulated, licensed, etc.....	224
BILLS OF SALE.	
License or privilege tax on.....	318
BOARD OF AGRICULTURE.	
Abolished	399
BOARD OF CONTROL AND ECONOMY.	
Act of Sept. 30th, 1919, repealed.....	39
Act of Sept. 30th, 1919, repealed.....	53
Act of February 1st, 1919, amended.....	67
BOARD OF DRAINAGE COMMISSIONERS.	
Appointment, etc., of.....	519
BOARD OF PHARMACY.	
Created, duties, powers, etc.....	561
BOARDS OF REVENUE.	
Audit of claims against county by.....	634
Authority to appropriate money for experimental farms.....	548
Authority to appropriate money for home for aged women in counties of 200,000 or more population.....	24

BOARDS OF REVENUE—Continued.

Authority to appropriate money to county boards of education in counties of 200,000 or more population.....	222
Books, etc., to be furnished county officers by.....	197
Claims against county must be itemized, etc.....	631
Compensation fixed in counties of 200,000 population or more.....	86
Compensation fixed in counties of 96,000 to 150,000 population.....	596
Compensation fixed in counties of 75,000 to 95,000 population.....	767
Contracts, award of regulated.....	631
County convicts—Authority to work anywhere in State by counties of 75,000 to 95,000 population.....	784
Election precincts—Authority to divide in counties of 75,000 to 95,000 population.....	601
Funds—May be deposited in bank or invested in certain securities	680
Plans, etc., for erection of county buildings in counties of 200,000 or more to be approved by.....	551
Power and authority to acquire bridges across streams.....	230
Preferred claims against county.....	634
Relatives not to be employed as county officials by members of	630
Rights of way for road building and maintenance material—authority to purchase and condemn.....	687
Vehicles—Tax may be imposed on certain for road purposes.....	61
Vocational education—Authority to make appropriation for.....	692

BOARD OF REVENUE AND ROAD COMMISSIONERS.

Authority to pay ex-officio fees to Recorder.....	558
---	-----

BOARD OF REVIEW.

Appeals from decision of.....	183
Created, members, duties, etc.....	174
Meetings, etc., of.....	180
Valuation of property by.....	179

BOARD OF VIEWERS.

Appointment, powers, etc., of.....	523
------------------------------------	-----

BONDED INDEBTEDNESS (STATE).

Appropriation for interest on.....	754
------------------------------------	-----

BONDS (JUDGES OF COUNTY COURTS).

Sec. 50 of Code requiring, repealed.....	24
--	----

BONDS (MUNICIPAL).

Elections for issue, etc., of—Act amended.....	632
Elections for issue, etc., of for public buildings.....	34
Issue, etc., of—Sinking fund created.....	611
Validation of heretofore issued.....	18
Validation of heretofore issued.....	630

BONDS—OFFICIAL OF STATE OFFICERS AND EMPLOYEES.

Appropriation for payment of premium on.....	755
--	-----

BONDS—STATE.

Issue, etc., of for works of internal improvement.....	330
--	-----

BRIC-A-BRAC.

Sale, etc., at public auction regulated.....	691
--	-----

BUCK.	
Seasonal limit	776
BUDGET COMMISSION.	
Act creating amended.....	22
Joint Committee of Legislature to sit with.....	75
BUILDING AND LOAN ASSOCIATIONS.	
Capital stock—Increase of.....	29
BUREAU OF INSURANCE.	
Created—Officers—Powers, etc.	607
BUTTER.	
Defined, etc.	411
CALERA—TOWN OF.	
Amendment proposed to Constitution authorizing levy and col- lection of additional tax on property therein.....	597
CAPITOL BUILDINGS AND GROUNDS.	
Appropriation for repair and upkeep.....	754
CHAMBERLAIN, UNITED STATES SENATOR.	
Invited to address Legislature as to merchant marine.....	1
CHEESE (IMITATION).	
Regulation as to sale, etc.....	416
CHIEF JUSTICE SUPREME COURT.	
Duties under Act securing additional property for State.....	689
CHILD CARING AGENCIES.	
Protection, etc., of.....	744
CHILD PLACING.	
Regulated—Places licensed, etc.....	723
CHILDREN (DEPENDENT, DELINQUENT, ETC.)	
Courts having jurisdiction of.....	298
Defined	297
Relating to in counties of 75,000 to 95,000 population.....	277
CHILD WELFARE DEPARTMENT.	
Acts establishing, etc., amended.....	270
County boards of created, etc.....	389
Duties of under Act regulating child placing.....	723
Duties of under Act defining maternity hospitals.....	731
Salary of Director of.....	790
CHINA.	
Sale of at public auction regulated.....	691
CIRCUIT CLERK.	
Additional deputy, appointment of in certain circuits.....	108
Additional deputy, salary of in certain circuits.....	108
Appointment of deputy in certain circuits.....	602
Compensation fixed in counties of 200,000 population or over.....	19

CIRCUIT CLERK—Continued.

Compensation of deputy fixed in counties of 200,000 population or over	220
Compensation of fixed at places other than county site in counties of 200,000 or over population.....	342
Deputy of criminal division, officer created, etc., in counties of 200,000 population or over.....	15
Office regulated in counties of 200,000 population or more.....	721

CIRCUIT COURT.

Established at Girard in Russell county.....	591
Fees, etc., regulated in criminal cases in certain counties.....	597

CIRCUIT JUDGE.

Additional created for Fifth Judicial Circuit.....	387
Appropriation for salaries of.....	754
Compensation fixed in counties composed of one county and having more than two and less than nine circuit judges.....	125
Compensation fixed in circuits composed of one county and having two judges.....	552
Compensation fixed in circuits composed of one county and having one judge.....	369
Compensation fixed in circuits having population of 300,000 or over	151
Traveling expense provided for when holding court outside of circuit for which elected.....	28

CIRCUIT SOLICITOR.

Appropriation for salaries of.....	754
Election, etc., of—Act amended.....	203
Election, etc., of—Act amended.....	577
Election etc., of—Act amended.....	751
Employment of shorthand reporters by in certain circuits.....	200

CITIES AND TOWNS.

Authority to change name of when boundaries altered to include territory of another municipality in another county...	595
Authority to convey property and make appropriations to county high schools.....	699
Authority to fix and levy license tax for business done in police jurisdiction of having population of 30,000 to 50,000.....	580
Authority to make appropriations for child welfare work.....	389
Authority of having population of 25,000 to 150,000 to assess for violation of municipal ordinances costs of court and provide for payment of same.....	681
Authority to purchase sanitary sewers.....	134
Authority to reduce area.....	394
Bonds of—Election for issue.....	35
Bonds of—Election for issue.....	632
Bonds, issue of by—Sinking fund created.....	611
Bonds, validation of certain heretofore issued.....	18
Bonds, validation of certain heretofore issued.....	630
Boundaries, etc., of—Marked.....	394
Changes of form of government of with population of over 100,000	229
Civil service regulation for police and fire departments of with more than 100,000 population.....	44

CITIES AND TOWNS—Continued.

Civil service regulations for police and fire departments of with more than 100,000 population.....	647
Commission form of government provided with population of 25,000 to 50,000.....	342
Commission form of government for with population of 100,000 or over	109
Council of 6,000 or less authorized to appropriate money for building of post office, etc.....	125
Fire insurance companies—License tax on limited.....	748
Form of government of where corporate limits altered so as to include another municipality in another county.....	99
Mayor pro tem.....	81
Parks, park areas, etc., established in cities of 100,000 or over.....	707
Pension and relief funds for policemen in cities of 100,000 or over	56
Pension and relief funds for policemen in cities of 100,000 or over	663
Pension and relief funds for police and firemen in cities of 50,000 to 150,000.....	239
Public improvements—Financing of in cities of 100,000 or over	604
Public improvements—Power to borrow money for.....	13
Regulations as to kind and character of buildings, etc.....	590
Regulations, segregation, etc., of business, size, etc., of buildings in cities of 100,000 or more.....	581
White ways—Construction, etc., of by cities of 60,000 or more population	364
Zones—Divided into	590
Zones, cities of 100,000 or more divided into.....	581

CITRUS FRUIT.

Sale, etc., regulated.....	475
----------------------------	-----

CITY BOARD OF EDUCATION.

Authorized to use three mill tax to pay obligations to build school houses	144
Duties of in counties of 300,000 or more.....	146
Officers, etc., of—Duties, etc.....	692

CIVIL SERVICE REGULATIONS.

Provided for police and fire departments of cities of 100,000.....	44
Provided for police and fire departments of cities of 100,000.....	647

CLAIMS.

Against county must be itemized.....	631
Auditing and registry of.....	634
Preferred against county.....	634

CLAYTON—TOWN OF.

Amendment proposed to Constitution authorizing levy and collection of additional tax on property therein.....	597
---	-----

CLEMENT, CLIFTON E.

Relief of	364
-----------------	-----

CLERICAL HELP.

Extra for State departments—How appointed, etc.....	794
---	-----

CLERKS OF COURTS OF RECORD.	
Costs prorated in certain cases.....	259
Reports of violations of game laws to be made by.....	779
CLERK OF PROBATE COURT.	
Compensation of in counties of 200,000 or over.....	268
CLIO—TOWN OF.	
Amendment proposed to Constitution authorizing levy and collection of additional tax on property therein.....	597
CLOCKS.	
Sale of at public auction regulated.....	691
CODE.	
Adoption of	127
Joint committee to read and revise manuscript.....	6
Publication and distribution of.....	128
CODE—CHAPTERS AMENDED.	
Chapter 20—Game and Fish Department.....	795
Chapter 224—Game Laws.....	773
CODE SECTION AMENDED.	
146. Auditing and registering of claims by county.....	634
147. Claims against county must be itemized.....	631
153. Preferred claims against county.....	634
689. State Geologist	683
690. Duties of	683
691. Assistants of	684
692. Annual appropriation	684
693. Salary of	684
694. Expenses of survey.....	684
695. Bulletins of	685
696. Printing and binding bulletins.....	685
697. Payment for printing and binding.....	685
1188. Mayor pro tempore.....	81
1217. Appeals from Recorder's Court.....	737
1313. Assessments—Force of judgments.....	217
1315. Tax sale—Title of.....	217
1408. Power to borrow money for public improvements.....	13
1421. Municipal bonds—Election for.....	34
1935. Alabama School for Deaf—Trustees of.....	714
1941. Alabama School for Deaf—Appropriation for maintenance	713
1942. Alabama School for Deaf—Appropriation for insurance.....	715
1946. Alabama School for Blind—Appropriation for maintenance	736
1952. Alabama School for Negro Deaf and Blind—Maintenance	715
2047. Alabama Soldiers Home—Appropriation for.....	628
2692. Settlement after representatives' death.....	655
2697. Settlement against outgoing or deceased representatives.....	655
2698. When accounts examined, etc.....	655
2699. Proceedings on final settlement.....	655
2700. Decree set aside, etc.....	655
3052. Jurisdiction of equity courts.....	764
3467. Subscriptions to capital stock of corporation.....	658

CODE SECTION AMENDED—Continued.

3481. Corporations—As to mortgages, debts, etc.....	726
3528. Trust companies	31
3531. Deposit of bonds by trust companies.....	719
3627. Power companies—additional powers conferred.....	79
4505. Removal of disabilities of non age.....	735
5222. Property—Sale of for distribution.....	659
5439. Special Judge of Probate.....	20
5534. Concentration, etc., privileges and rates may be fixed by Alabama Public Service Commission.....	259
5652. Tariffs, rates—Depots regulated, etc.....	266
5896. Stock law—Elections for.....	126
6032. Plat—How vacated and annulled.....	7
6110. Venue of actions.....	53
6572. Costs of conviction—Items to be paid.....	735
6577. Earnings of convict paid him on reversal of appeal.....	729
6866. Escape from penitentiary, etc., punishment for.....	628
6954. Open and closed season as to certain game birds.....	88
7245. Jury duty—Persons exempt from.....	268
7814. Certain acts prohibited on Sunday.....	559

CODE—SECTIONS REPEALED.

2069. Exemptions	20
4594. Fire insurance companies, penalty for belonging to rate- making association	381
4595. Penalty to be added to verdict by jury.....	381
4596. Liberally construed	381
6697. Bonds—Judges of County Court.....	24

COMMISSIONER OF AGRICULTURE AND INDUSTRIES.

Appropriation for operation of office of.....	549
Appropriation for salary of.....	789
Duties under Agricultural Code.....	399

COMMISSION FORM OF GOVERNMENT.

Act of Sept. 25, 1915, creating in cities of 100,000 or more amended	109
Created for cities of 25,000 to 50,000 population.....	343

COMMISSION MERCHANT.

Assessment of certain property by.....	172
Defined, etc.	463

COMMISSIONER OF GAME AND FISHERIES.

Duties under Act providing for fish cultural stations.....	762
Office created—Duties—Powers, etc.....	795
Salary of	790

CONFEDERATE MEMORIAL HOSPITAL AT RICHMOND, VA.

Appropriation for	386
-------------------------	-----

CONFEDERATE SOLDIERS AND SAILORS.

Pensions for—Amount of.....	250
-----------------------------	-----

CONGREGATIONAL AND RELIGIOUS CHURCHES.

Charters of ratified, confirmed, etc.....	32
---	----

CONSERVATION LAWS.	
Joint committee as to.....	75
CONSTITUTIONAL LOANS.	
Appropriation for interest on.....	754
CONSTITUTION OF ALABAMA.	
Amendment proposed authorizing Mobile county to levy special school tax.....	281
Amendment proposed authorizing Mobile county to increase bonded indebtedness for building of concrete roads.....	594
Amendment proposed to Section 294½—Poll tax exemptions.....	572
Amendment proposed forming drainage districts, etc.....	592
Amendment proposed to authorizing certain cities and towns to levy and collect additional tax on property therein.....	597
Amendment proposed to authorizing certain school districts in Lawrence county to levy and collect tax of 5 mills for school purposes.....	751
Amendment proposed to authorizing Walker county to levy and collect special road tax.....	756
CONSTITUTION OF UNITED STATES.	
Teaching of required in schools of State.....	87
CONVICTS.	
Earnings paid to on reversal of case on appeal.....	726
Employment of in mining coal.....	6
Execution of condemned—Method of, etc.....	759
Punishment for escape, etc.....	628
CONVICT SUPERVISORS. (See State Board of.)	
CORN.	
Sale, etc., of regulated.....	450
CORN MEAL.	
Sale, etc., of regulated.....	424
CORPORATIONS.	
Dissolution of, Probate Judge to notify State Tax Commission.....	167
Examination of records, etc., of by State Tax Commission.....	168
Franchise tax to be paid by.....	164
Franchise tax, where paid and how divided.....	170
Intangible property of subject to taxation.....	194
Reports to State Tax Commission.....	164-5
Section 3481 of Code amended as to mortgages, debts, etc., of.....	724
Selling property of private—Method of.....	249
Statements furnished State Tax Commission.....	195
Subscriptions to capital stock of—How paid.....	658
Statements filed with State Tax Commission.....	169
COSTS. (Court.)	
Items of—How paid on conviction and sentence to penitentiary.....	735
Payment of provided in transportation of prohibited liquors where decree rendered against State.....	736
Prorated by sheriff and clerk in certain cases.....	259
Regulated in criminal cases in counties of 200,000 or more.....	597

COTTON.

Public classers of	488
Sale, etc., of	484
Standards of	488

COTTON SEED HULLS.

Sale, etc., of regulated	450
--------------------------------	-----

COUNTY BOARD OF EDUCATION.

Attendance districts—Arrangement of	695
Authority to borrow money for payment of debts, etc.	553
Authority to apply 3-mill tax under certain conditions to reimburse persons	66
Authorized to pay pensions to teachers in certain counties	223
Authorized to use 3-mill tax to pay obligations for building, etc., school houses	144
Authority to aid in erection of school buildings	696
Duties of in counties of 300,000 or more	146
Members of—Appointment of, etc.	692
Pension funds for teachers—Authority to create in counties of 200,000 or more population	555

COUNTY BUILDINGS.

Plans, contracts, etc., for erection of in counties of 200,000 or more to be approved by Board of Revenue	551
---	-----

COUNTY DEMONSTRATION AGENTS.

Approval and support of	547
-------------------------------	-----

COUNTY GAME AND FISH WARDENS.

Appointment, etc., of	797
-----------------------------	-----

COUNTY HIGH SCHOOLS.

Appropriation for	688
Location, etc., of	698

COUNTY SUPERINTENDENTS OF EDUCATION.

Qualifications of	748
-------------------------	-----

COUNTY TREASURER.

Duties, etc., in counties of 200,000 or more population	366
---	-----

COURT OF APPEALS.

Appropriation for salary of Justices of	753
Appropriation for salary of Justices of	790
Appropriation for salary of officers of	753
Appropriation for salary of officers of	793

COURTS OF COUNTY COMMISSIONERS. (See Boards of Revenue.)

COURT OF DOMESTIC RELATIONS.

Created—Powers, etc., in counties of 200,000 population or over	612
---	-----

COURTS OF EQUITY.

Jurisdiction of	764
-----------------------	-----

COURT REPORTERS.	
Appointment etc., of in each Judicial Circuit.....	662
Appointment, etc., of in circuits of 1 county and having 2 judges	90
Appointment, etc., of in circuits of 1 county and having more than 5 judges.....	605
Employment, etc., of in circuits of 1 county and having more than 5 judges.....	200
Duties, etc., of in counties of 200,000 population or more.....	203
CRAFT, HON. JOHN.	
Resolution commending life and services of.....	366
CREAM. (See Milk.)	
CREAMERY—CREAM STATION.	
License, etc., for.....	412
DAVIS, HON. JAMES J.	
Invited to address Legislature.....	218
DEAD BODIES.	
Unclaimed—Distribution of	381
DEEDS.	
License or privilege tax on.....	318
Sheriffs—Introduction in evidence of.....	629
DEER.	
Open and closed season as to—Protected.....	776
DELEGATES TO NATIONAL PARTY CONVENTION.	
Selection of where citizen of Alabama is candidate for nomination as President of the United States.....	269
DEPARTMENT OF ARCHIVES AND HISTORY.	
Appropriation for	755
Appropriation for salary of Director.....	789
Appropriation for salary of assistants.....	791
Election of Trustee from Tenth Congressional District.....	23
DEPARTMENT OF GAME AND FISHERIES.	
Created, powers, duties, etc.....	795
DEPUTY CIRCUIT CLERK. (See Circuit Clerk.)	
DEPUTY CIRCUIT SOLICITOR.	
Appointment, etc., of in circuits with more than 5 circuit judges	201
Appropriation for salaries of.....	755
DEPUTY REGISTERS.	
Appointment, etc., of—Act amended.....	108
Appointment, etc., of in counties of 200,000 or more.....	269
Appointment, etc., of—Act amended.....	602
DIAL AMENDMENT TO COTTON FUTURES ACT.	
Joint resolution endorsing.....	145

DOMESTIC RELATIONS COURT.	
Created in counties of 200,000 or more.....	612
DOORKEEPER OF HOUSE AND SENATE.	
Appropriation for expenses of.....	75
DRAINAGE.	
Board of Commissioners of—Duties, etc.....	519
Proceedings as to, etc.....	514
DRAINAGE DISTRICTS.	
Amendment proposed to Constitution for formation of.....	592
DRUGS.	
Adulterated defined	407
Misbranded defined	409
Penalty for	410
Sale, etc., regulated.....	561
EDUCATION. (See County and City Boards of.)	
Joint committee to consider legislation as to.....	8
EGGS.	
Defined—Sale, etc., regulated.....	421
ELECTIONS.	
Amendment to Constitution authorizing Mobile county to levy special school tax.....	281
Amendment to Constitution authorizing Mobile county to increase bonded indebtedness for building of concrete roads.....	594
Amendment to Constitution to Section 2p4½—Poll tax exemptions	572
Amendment to Constitution forming drainage districts, etc.....	592
Amendment to Constitution, levy of additional tax by cities and towns	597
Amendment to Constitution, levy of school tax in Lawrence county	751
Amendment to Constitution, levy of road tax in Walker county	756
Municipal bonds—Election for.....	34
Municipal bonds—Election for.....	632
Stock law—Election for.....	126
Validated and legalized heretofore held for special county and district school tax.....	396
ELECTION PRECINCTS.	
Division of by counties of 75,000 to 95,000 population.....	601
ELEMENTARY SCHOOLS.	
Money, etc., may be donated to be held in trust for.....	703
EMBLEM. (See Insignia.)	
EMIGRANT AGENTS. (See Labor Agents.)	
EQUITY CASES.	
Practice regulated in in matter of objection, etc., to testimony...	631

ESTATES.	
Administration of in chancery courts regulated.....	728
ESTRAYS.	
Duties of parties as to.....	513
EVERGREEN—TOWN OF.	
Amendment proposed to Constitution authorizing levy and collection of additional tax on property therein.....	597
EXAMINERS OF PUBLIC ACCOUNTS.	
Appropriation for salary and expenses of.....	790
Number of—Appointment of, etc.....	54
EXECUTORS.	
Settlements, etc., by.....	655
EXPERIMENTAL FARMS.	
Boards of revenue may appropriate money for.....	548
FALKNER, COL. JEFFERSON MANLEY.	
Soldiers Home at Mt. Creek named for and known as.....	228
FARM LOAN BONDS.	
Promote sale of—Act amended.....	787
FARM PRODUCE.	
Sale of on commission.....	463
Sale of by producer.....	467
FAYETTE, TOWN OF.	
Amendment proposed to Constitution authorizing levy and collection of additional tax on property therein.....	597
FEDERAL LAND BANK.	
Promote sale of bonds of—Act amended.....	787
FEED—COMMERCIAL.	
Defined—Sale, etc., regulated.....	430
FERRIES.	
Establishment, etc., of.....	720
FERTILIZER.	
Manufacture, sale, branding, etc., of.....	434
FIFTH JUDICIAL CIRCUIT.	
Additional Judge for—Created.....	387
FIRE DEPARTMENT.	
Civil service regulations in cities of 100,000 or more.....	44
Civil service regulations in cities of 100,000 or more.....	647
Pensions and relief funds for in cities of 50,000 to 150,000.....	239
FIRST WHITE HOUSE OF CONFEDERACY.	
Appropriation for	248
FISH.	
Protection, etc., of.....	763

FISH CULTURAL STATIONS.	
Construction, operation, etc., of	762
FISHING.	
License for	762
FLORALA—TOWN OF.	
Amendment proposed to Constitution authorizing levy and collection of additional tax on property therein	597
FOODS.	
Adulterated defined	407
Misbranded defined	409
Penalty for	410
FORD, HENRY.	
Requested to modify, etc., offer for Muscle Shoals	626
FOREST FIRES.	
Provided against	799
FORESTS.	
Protection, etc., of—Act amended	638
FOURTEENTH JUDICIAL CIRCUIT.	
Expense account provided for Solicitor of	267
FRANCHISES.	
Taxation, etc., of	194
FRANKLIN COUNTY.	
Funds derived from sale, etc., of property, etc., of Alabama National forests appropriated to	660
FRATERNAL SOCIETIES.	
Consolidation, merger, etc., of	785
FRUIT TREES.	
Sale, etc., of regulated	475
FUEL, LIGHTS AND WATER.	
Appropriation for at Capitol	754
FUNGICIDES.	
Manufacture, sale, etc., regulated	441
FUR-BEARING ANIMALS.	
Protection, etc., of	780
GAME BIRDS.	
Carried openly when killed	784
Confiscation of	784
Enumerated and denominated	774
Number killed in any one day	776
Number of days allowed in possession after closed season	776
Open and closed season as to	88
Open and closed season as to	774
Open and closed season as to (migratory)	775

GAME BIRDS—Continued.	
Ownership and title vested in State.....	773
Penalty for shipping, etc.....	778
Selling, etc., prohibited.....	777
Trapping, etc., prohibited.....	775
GAME AND FISH PROTECTION FUND.	
Created, etc.	801
GAME LAWS.	
Chapter 224 of Code amended as to.....	773
Convicted of violation of—License revoked.....	777
Costs of prosecution, how taxed.....	779
Extent and construction of.....	780
Fines, etc., disposition of.....	779
Fines, etc., disposition of.....	783
Fines, etc., how paid.....	779
Pleading and practice as to.....	779
Report of prosecutions for violation made by clerks of courts.....	779
GARNISHMENT—WRITS OF.	
City, county and State officials—Salary subject to.....	575
GARRISON, O'DELL.	
Relief of	727
GASOLINE.	
Excise tax—How divided.....	197
Excise tax on.....	36
GENERAL REVENUE. (See Revenue.)	
GLASSWARE.	
Sale, etc., at public auction regulated.....	691
GOLD.	
Sale, etc., at public auction regulated.....	691
GINS.	
Supervision, etc., of.....	483
GOVERNOR.	
Appropriation for contingent fund of.....	753
Appropriation for interest contingent fund of.....	754
Appropriation for salary of.....	752
Appropriation for salary of.....	789
Appropriation for salary of assistants.....	752
Appropriation for salary of assistants.....	790
Appropriation for publication of proclamations of.....	755
Commended for action at Banner Mines.....	369
Duties under Act securing additional property for State.....	689
GOVERNOR'S MANSION.	
Appropriation for repair, etc., of.....	559
Appropriation for upkeep of.....	754
GREENSBORO—TOWN OF.	
Amendment proposed to Constitution authorizing levy and collection of additional tax on property therein.....	597

GREENVILLE—TOWN OF.	
Amendment proposed to Constitution authorizing levy and collection of additional tax on property therein.....	597
GREENWOOD, ARTHUR, HARRY & SPIRO.	
Relief of	745
GREENWOOD CAFE.	
Relief of	745
GRUBB, JUDGE WM. I.	
Endorsed for appointment to United States Supreme Court.....	3
GUARDIANS.	
Appointment, etc., for persons entitled to benefits of War Risk Insurance Act	677
GUARDIANSHIPS.	
Regulating administration of in Chancery Court.....	728
HALE, THOS. J.	
Relief of	686
HANKS, J. P.	
Relief of	216
HARDING, HON. WARREN G.	
Resolutions as to death of.....	98
Resolutions expressing sympathy.....	93
HARDING, MRS. WARREN G.	
Resolutions expressing sympathy.....	98
HOG CHOLERA.	
Appropriation for control, etc., of.....	8
HOMESTEAD.	
Kind of notice given by widow or minor children in proceedings to have set aside as exempt from administration and payment of debts.....	43
Title to vested in wife and minor children in certain cases.....	388
HORTICULTURAL PRODUCTS.	
License for, sale, etc., of.....	467
HUMANE OFFICER.	
Appointment of in certain counties, salary, duties, etc.....	220
HUNTING.	
License for	777
License, how obtained.....	800
License, penalty for false statement as to.....	777
Night hunting prohibited.....	775
Without license prohibited.....	777
HYDRO ELECTRIC POWER COMPANIES.	
Property of subject to taxation.....	160

ICE CREAM.	
Defined, etc.	414
ILLUMINATING OILS. (See Kerosene.)	
IMITATION BUTTER AND CHEESE.	
Regulations as to sale, etc.	416
IMMIGRATION.	
Joint resolution as to.	5
INFERIOR COURTS.	
Marshals of—Salary fixed in counties of 200,000 or more.	552
Regulated in certain cities—Act amended.	251
Regulated in cities of 35,000 or more population.	745
Sheriffs—Duties as to.	675
INSECTICIDES.	
Manufacture, sale, etc., regulated.	441
INSIGNIA.	
Unlawful to wear of American Legion, etc., if not a member.	727
INSPECTOR OF JAILS AND ALMSHOUSES.	
Appropriation for salary of.	789
Appropriation for salary of assistants.	793
INSURANCE.	
State fund created for State insurance.	769
INSURANCE—BUREAU OF.	
Created, officers, powers, duties, etc.	607
INSURANCE COMMISSIONER.	
Appropriation for salary of.	790
Appropriation for salary of assistants.	793
Duties under Act regulating corporations engaged in business of issuing guaranties to title to land.	635
INSURANCE COMPANIES.	
Fire—Municipal taxation of limited.	748
Mutual aid, or industrial—Withdrawal of deposit by.	18
INSURANCE ON CAPITOL BUILDING.	
Appropriation for.	754
INTERLOCUTORY JUDGMENTS, DECREES, ETC.	
Appeals to Supreme Court from.	250
INTERNAL IMPROVEMENT.	
State authorized to engage in.	330
JEFFERSON COUNTY.	
State Secondary Agricultural School established in.	733
JESTER, ALTO V.	
Relief of.	363

JEWELERS.

Lien established for.....	589
---------------------------	-----

JEWELRY.

Sale, etc., of at public auction regulated.....	691
---	-----

JOHNSON, EMMA (EMMA SANSOM).

Attorney General to select lands for as authorized by Act of February 10, 1899.....	661
---	-----

JOINT RESOLUTIONS.

Acts of 1923—Distribution of.....	625
Agriculture, joint committee as to.....	83
Alabama Day, observance of.....	262
Alabama Public Service Commission, duties, etc., as to survey of navigable streams.....	393
Allison, Hon. E. F., thanks extended to.....	30
Assenting to Acts of Congress for promotion of welfare and hygiene of maternity and infancy.....	35
Attorney General, investigation of validity of certain exemption statutes.....	55
Budget Commission, joint committee to sit with.....	76
Clerks of House and Senate, time given to complete records.....	75
Clerks of House and Senate, time given to complete records.....	580
Clerks of Legislature, hours of service.....	97
Clerks of Legislature, payment of special.....	262
Code Committee, additional member of.....	74
Conservation laws, joint committee as to.....	75
Convicts, no change in working of in mines.....	86
Convict Department, commended for action at Banner Mines.....	369
Craft, Hon. John, life and labors commended.....	366
Davis, Hon. Jas. J., invited to address Legislature.....	218
Dial amendment to Cotton Futures Act, endorsed.....	145
Education, Joint Committee as to.....	8
Football game between University of Ala. and Ala. Poly. Inst. Ford, Henry, as to offer of for Muscle Shoals.....	96
Government Hospital at Tuskegee.....	626
Governor, commended for action at Banner Mines.....	77
Governor, requested to petition for donation by United States of certain equipment.....	369
Grubb, Judge Wm. I., endorsed for appointment as U. S. Sup. Judge.....	627
Harding, President Warren G., resolution of sympathy.....	3
Harding, President Warren G., as to death of.....	93
Harding, Mrs. Warren G., resolution of sympathy.....	98
Immigration, Alabama delegation in Congress requested to oppose repeal of laws relating to.....	98
Jefferson Manly Falkner Home at Mt. Creek, Alabama.....	5
Lee, Genl. Robert E., commemoration of birthday of.....	229
Maugans, Mrs. Lillian R., condemning words and acts of and requesting removal as postmistress at Eufaula, Ala.....	2
Mexico, Republic of, greeting extended to.....	84
Navigable streams, Congress requested to embody bridging of in Federal Aid Act.....	625
Recess Committees, joint committee to recommend per diem of.....	296
Recess Committees, number of members increased.....	4
Paderewski, invited to address Legislature.....	27
	1

JOINT RESOLUTIONS—Continued.

Seven per cent roads, requesting United States Government to allow correction as to.....	95
State Highway Department, requested to furnish certain information to Legislature.....	17
State Normal School at Daphne.....	222
State Prison Inspector, requested to report to Budget Commission as to investigation of almshouses.....	27
Tax adjusters, abolition on.....	27
Taylor, Hon. Alfred A., endorsed for Secretary of Interior.....	9
Underwood, Hon. Oscar W., endorsed as Democratic nominee for President of United States.....	10
Underwood, Hon. Oscar W., Joint Committee to visit Legislature of Georgia in interest of candidacy of.....	96
Underwood, Hon. Oscar W., Reception Committee for.....	83
Water powers of State, Congress memorialized to extend survey of.....	264
Wheeler, Genl. Joseph, statue of in Statuary Hall at Washington.....	81
Wheeler, Genl. Joseph, Joint Committee to look after placing of statue in Statuary Hall at Washington.....	216
Wright, Admiral A. O., endorsing bill of pending in National Congress as to correction of records at Navy Department at Washington as to certain naval officers.....	263
JONES, ENNIS ROY.	
Relief of	342
JUDGE OF PROBATE.	
Appointment of special in certain cases.....	20
Authority given to set apart and invest title in wife and minor children of homestead in certain cases.....	388
Clerical help allowed in counties of 75,000 to 95,000.....	89
Clerical help allowed in counties of 75,000 to 95,000.....	767
Compensation of in counties of 75,000 to 95,000.....	89
Compensation of in counties of 75,000 to 95,000.....	767
Compensation of in counties of 200,000 or more.....	21
Compensation of clerk of in counties of 200,000 or more.....	268
Dissolution of corporation to notify State Tax Commission.....	167
Duties of in re drainage projects.....	514
Duties of under General Act.....	152
Duties of under Motor Vehicle Act.....	284
Duties of under Motor Vehicle Act.....	320
JURIES.	
More efficient handling of in counties of 200,000 or more.....	558
JURY DUTY.	
Persons exempt from.....	268
JURY SUPERVISORS.	
Board of created in counties of 75,000 to 95,000 population.....	260
JUVENILE COURTS.	
Practice, etc., of.....	303
JUVENILE DELINQUENTS. (See Children.)	

KEROSENE.	
Regulations as to sale, etc.....	445
Tax on	446
KIRTLAND, J. W.	
Relief of	18
LABOR AGENTS.	
Business of regulated, license, etc., for.....	208
LAKE BANKHEAD.	
Legally confirmed and ratified.....	730
LANDS.	
Conveyance of owned by State.....	26
Corporations engaged in business of issuing guaranties of title to regulated	635
Drainage, etc., of.....	514
Included in drainage districts value cannot be raised.....	729
Sale of testator for payment of legacies.....	632
LANDS OF STATE.	
Declared to be forest reserves and game preserves.....	782
Unlawful to cut trees on.....	782
Unlawful to hunt on.....	782
LAND OWNERS.	
Protected against increased assessments or tax raises on land being drained in Alabama.....	729
LAW LIBRARY.	
Fund for support of in counties of 200,000 or more—Act amended	560
LAWRENCE COUNTY.	
Amendment proposed to Constitution authorizing levy of five- mill school tax in certain districts.....	751
Funds derived from sale of property, etc., of Alabama National forests appropriated to.....	660
LAWS OF STATE.	
Appropriation for enforcement of.....	560
LAWYERS.	
Admission and disbarment of.....	100
Admission and disbarment of—Act amended.....	587
LEE, GENERAL ROBERT E.	
Commemoration of birthday of.....	2
LEGACIES.	
Probate court may sell lands of testator for payment of.....	632
LEGISLATURE.	
Adjournment of for summer session.....	54
Appropriation for mileage and per diem of.....	317
Clerk of House and Secretary of Senate given time to complete records	75

LEGISLATURE—Continued.

Clerk of House and Secretary of Senate given time to complete records	580
Doorkeepers of, expenses of provided for	75
Hours of work of clerks of	97
Payment of certain clerks of	262
Payment of certain clerks of	589
Recess Committees, per diem, etc., fixed	55
 LIEN.	
Created in favor of owners of peanut machines and pickers	554
Created for jewelers, watchmakers, etc.	589
United States authorized to file for taxes	43
 LIEN HOLDER.	
May pay proportionate amount of taxes on real estate sold to him in certain cases	750
 LIMESTONE.	
Analysis, sale, etc., of	505
 LINSEED OIL.	
Sale, etc., regulated	447
 LITERARY SOCIETY.	
Authority to convey real estate, etc.	397
 LIVESTOCK.	
Regulations as to	506
 MARSHALS—INFERIOR COURTS.	
Compensation of in counties of 200,000 or more	552
 MATERNITY AND INFANCY.	
Assent of Legislature for promotion of welfare of	35
 MATERNITY HOSPITALS.	
Defined, regulated, etc.	731
 MAUGANS, MRS. LILLIAN R.	
Removal as postmistress at Eufaula, Ala., requested	84
 MEDICAL SCIENCE.	
Promotion, etc., of	381
 MEDICINE.	
Sale, etc., regulated	561
 MENTAL INFERIORS. (See Alabama Home for Mental Inferiors.)	
 MEXICO, REPUBLIC OF.	
Greetings extended to	625
 MILITARY OF STATE.	
Act relating to amended	231
 MILK.	
Defined, sale, etc., regulated	411

MILLS AND MILLERS.	
Regulated, etc.	425
MINE INSPECTORS. (See State Mine Inspectors.)	
MINOR CHILDREN.	
Title to homestead vested in in certain cases.....	388
MOBILE BAY AND BAR PILOTS.	
Apprentice passing examination not required to pass another....	756
MOBILE COUNTY.	
Amendment to Constitution for levy of special school tax.....	281
Amendment to Constitution for increase of bonded indebted-	
ness for public roads.....	594
Bonds may issue for roads and bridges under certain conditions	603
MOBILE, PORT OF.	
Development, etc., of.....	330
MONEY.	
May be donated to be held in trust for elementary schools.....	703
MORTGAGEE.	
May pay proportionate amount of taxes on real estate sold to	
him in certain cases.....	750
MORTGAGES.	
Recording fees on.....	156
MOTOR FUELS.	
Excise tax on.....	36
MOTOR VEHICLES.	
Dealers in second hand cars, license for.....	325
Operation of by persons convicted of violating laws as to pro-	
hibited	588
Registration, licensing, etc., of.....	284
Regulate, purchase, sale, etc., of.....	320
Title protected	320
MUNICIPAL CORPORATIONS. (See Cities and Towns.)	
MUNICIPALITIES. (See Cities and Towns.)	
MUNICIPAL COURTS.	
Appeals from where territory lies in two counties.....	100
Appeals from regulated.....	737
MUTUAL AID OR INDUSTRIAL ASSOCIATIONS.	
Withdrawal of deposit by.....	18
NATIONAL PARTY CONVENTIONS.	
Selection of delegates to when citizen of Alabama is a candi-	
date for nomination as President.....	269
NAVIGABLE STREAMS.	
Bridging of by Federal aid requested.....	294

NEWSPAPERS.	
Editors and publishers authorized to accept mileage from common carriers for advertising space.....	107
NON AGE.	
Removal of disabilities of.....	735
NOTICE.	
Kind of in proceedings instituted by widow and minor children to have homestead set aside as exempt from administration and payment of debts.....	43
OATS.	
Sale, etc., of regulated.....	450
OYSTERS.	
Preservation, etc., of—Planting, etc.....	672
OPP, TOWN OF.	
Amendment to Constitution authorizing levy and collection of additional tax on property therein.....	597
PADEREWSKI.	
Invited to address Legislature.....	1
PAINT.	
Regulation as to sale, etc., of.....	447
PARKS, PARK AREAS, ETC.	
Establishment, conduct, etc., of in cities of 200,000 or more.....	707
PEANUT MACHINES AND PICKERS.	
Lien created in favor of owners of.....	554
PENSIONS.	
For Confederate soldiers and sailors and their widows.....	250
PENSIONS AND RELIEF FUNDS.	
Created for policemen in cities of 100,000 or more.....	56
Created for policemen in cities of 100,000 or more.....	663
Created for firemen in cities of 100,000 or more.....	765
Created for firemen in cities of 50,000 to 150,000.....	239
Created for teachers in certain counties.....	223
County Board of Education in counties of 200,000 or more may appropriate money for.....	555
PERSONAL PROPERTY.	
Act of February 5, 1915, prescribing a limitation for bringing of suits for recovery of, etc., where title founded on mortgage, etc., repealed.....	728
PHEASANTS.	
Protection of	775
PLAT.	
How vacated and annulled.....	7
PLATED WARE.	
Sale, etc., of at public auction regulated.....	691

POISONS.

Sale, etc., of regulated.....	561
-------------------------------	-----

POLICEMEN. (See Police Department.)**POLICE DEPARTMENT.**

Civil service regulations in cities of 100,000 or over.....	44
Civil service regulations in cities of 100,000 or over.....	647
Pensions and relief funds for cities of 100,000 or over.....	56
Pensions and relief funds for cities of 100,000 or over.....	663
Pensions and relief funds for in cities of 50,000 to 150,000.....	239

POLL TAX.

Amendment to Section 294½ of Constitution exempting cer- tain persons from.....	572
Collection of	170
Receipts for, printing, etc., of.....	170

POOL ROOMS. (See Billiard Rooms.)**POSTAGE AND POST OFFICE BOX RENT.**

Appropriation for for officers of State.....	754
--	-----

POWER COMPANIES.

Additional powers conferred.....	79
Hydro electric—Property of subject to taxation.....	160

PRECIOUS STONES.

Sale, etc., of at public auction regulated.....	691
---	-----

PRESIDENTIAL ELECTORS.

Appropriation for salary, etc., of.....	755
---	-----

PRINTING AND BINDING.

Appropriation for	754
-------------------------	-----

PRISONERS.

Feeding of—Appropriation for.....	755
Feeding of regulated.....	704
Removal of, appropriation for.....	754

PRIVATE CORPORATIONS. (See Corporations.)**PROBATE COURT. (See Judge of Probate.)****PROBATION OFFICERS.**

Duties, etc., of.....	305
-----------------------	-----

PROPERTY.

Additional for State—Authority to acquire.....	689
Assessment, etc., of.....	171
Defined, etc.	153
Escape—Taxation of	175
Exempt from taxation.....	153
May be donated to elementary schools.....	703
Sale of for distribution.....	659
Sale of of private corporation.....	249

PUBLIC DOCUMENTS.

Appropriation for distribution of..... 754

PUBLIC OFFICIALS.

Salary of subject to garnishment..... 575

PUBLIC ROADS AND BRIDGES.

Act creating State Highway Department amended..... 370

Act authorizing Boards of Revenue to impose tax on certain
vehicles for use of amended..... 61

Act relieving parties from working in certain counties amended..... 219

Extension of time for payment of interest bearing warrants
issued for construction, etc., of..... 41

Regulations as to location, etc., by State Highway Department..... 29

Seven per cent—United States Government requested to allow
correction as to..... 95

RAILROADS.

Authorized to give mileage to newspaper editors and publish-
ers in exchange for advertising space..... 107

Authorized to give passes to Sheriffs..... 218

Property of assessed by State Tax Commission..... 192

Regulation of freight and passenger tariffs of..... 266

REAL ESTATE.

Mortgagee, etc., may pay proportionate amount of taxes on in
certain cases..... 750

Provide for establishment of title by proceeding in rem..... 699

REAL PROPERTY.

Sale of regulated under powers contained in mortgages, deeds
of trust..... 658

RECESS COMMITTEES.

Joint resolution as to..... 4

Payment of per diem and mileage of..... 577

Per diem fixed..... 55

RECORDER.

Ex-officio fees to be paid to by Board of Revenue in certain
counties with city of population of 60,000 to 150,000..... 550

RECORDER'S COURT. (See Municipal Courts.)

REGISTERS CIRCUIT COURT.

Office regulated in counties of 200,000 or more..... 721

RENOVATED BUTTER.

Sale, etc., of regulated..... 416

REVENUE.

Act of Aug. 22nd, 1923, providing for for State amended..... 266

General for State provided for..... 152

ROAD PATROLMEN.

Employment, etc., of in certain counties..... 367

ROANOKE, TOWN OF.

Amendment proposed to Constitution authorizing levy and col-
lection of additional tax on property therein..... 597

RURAL SCHOOL HOUSES.	
Appropriation for erection, etc., of.....	645
RUSSELL COUNTY.	
Circuit Court established at Girard.....	591
RYE.	
Sale, etc., of regulated.....	450
SAUSAGE.	
Sale, etc., of regulated.....	418
SCHOOL DISTRICTS.	
Consolidation, etc., of.....	692
SCHOOLS—ELEMENTARY.	
Money, etc., may be donated to be held in trust for.....	703
SCOTTENN COAL, INC.	
Relief of	221
SECRETARY OF STATE.	
Appropriation for sale of.....	789
Appropriation for salary of assistants.....	791
SEEDS. (See Agricultural Seeds.)	
SERVANTS AT CAPITOL.	
Appropriation for salary of.....	753
Appropriation for salary of.....	792
SHERIFFS.	
Appropriation to for feeding prisoners.....	30
Appropriation for preparing and serving food to prisoners.....	645
Costs prorated in certain cases by.....	259
Ex-officio Game Wardens.....	799
Feeding prisoners, duties as to.....	704
Inferior Courts, duties as to.....	675
Introduction in evidence of deed of.....	629
Office regulated in counties of 200,000 or more.....	93
Railroads authorized to grant passes to.....	218
Salary—Deputies, etc., of in counties of 75,000 to 95,000.....	296
Salary—Deputies, etc., of in counties of 75,000 to 95,000.....	767
SILVER.	
Sale, etc., of at public auction regulated.....	691
SILVERSMITHS.	
Lien created for.....	589
SLAUGHTER, H. W.	
Relief of	557
SOCIAL SOCIETY.	
Authority given to convey title to real estate.....	397
SOLDIERS' HOME AT MOUNTAIN CREEK.	
Appropriation for	628
Name changed	228

SOLICITOR. (See Circuit Solicitor.)

SPANISH WAR VETERANS.

Unlawful to wear emblem, etc., of if not a member..... 727

SPECIAL SCHOOL TAXES.

Elections heretofore held for levy of validated..... 396

STATE.

Authority to engage in works of internal improvement..... 330

STATE AUDITOR.

Appropriation for salary of..... 789

Appropriation for salary of assistants..... 790

Authority to draw warrants for certain clerks of Legislature..... 589

Preparation of poll tax receipts by..... 170

Report to Governor failure of tax assessors to file abstract of
assessment 178

STATE BANKING DEPARTMENT.

Provided for and regulated, etc..... 716

STATE BAR.

Act providing for organization and regulation amended..... 587

Organization and regulation of..... 100

STATE BOARD OF ADMINISTRATION.

Duties under Act providing State insurance fund..... 769

Name changed to..... 629

STATE BOARD OF AGRICULTURE.

Created, members of, etc..... 399

STATE BOARD OF CONTROL AND ECONOMY. (See State Board
of Control and Economy.)

STATE BOARD OF CONVICT INSPECTORS.

Created, members, salary, duties, etc..... 67

Name changed 629

Salary of members of..... 789

STATE BOARD OF EDUCATION.

Appropriation for 690

Authority to lease, etc., property..... 693

Meetings, etc., of..... 692

Members of—Number—Appointment, etc., of..... 722

STATE BOARD OF HEALTH.

Appropriation for 575

STATE BOARD OF HORTICULTURE.

Abolished 399

STATE COMMISSION OF FORESTRY.

Created, members, duties, etc..... 638

STATE DOCKS COMMISSION.

Created, members, duties, etc..... 330

STATE CONVENTION OF STATE ASSOCIATIONS OF CONGRE- GATIONAL RELIGIOUS CHURCHES.	
Charters ratified and powers enlarged.....	32
STATE GEOLOGIST.	
Appropriation for—Duties,—Salary, etc.....	683
STATE HARBOR COMMISSION.	
Abolished	330
STATE INSURANCE FUND.	
Appropriation for	771
Created—Purposes of, etc.....	769
STATE HIGHWAY DEPARTMENT.	
Members of—Salary—Duties, etc.....	370
Regulations as to location of roads by.....	29
Resolution requesting certain information as to.....	17
STATE LIVESTOCK SANITARY BOARD.	
Abolished	330
STATE MINE INSPECTORS.	
Appropriation for salary, etc., of.....	670
Appropriation for salary, etc., of.....	789
STATE PRISON INSPECTOR.	
Appropriation for salary of.....	789
Appropriation for salary of assistants.....	793
Required to report certain investigations to Budget Commission	27
STATE SECONDARY AGRICULTURAL SCHOOL.	
Established in District 4 A, Jefferson county, Alabama.....	733
STATE SECURITIES COMMISSION.	
Appropriation for officers and employees of.....	755
STATE SINKING FUNDS.	
Care, use, etc., of.....	585
STATE SUPERINTENDENT OF EDUCATION.	
Authorized to sell certain lands and timber thereon.....	699
Salary of, appropriation for.....	789
Salary of assistants, appropriation for.....	791
STATE TAX COMMISSION.	
Appropriation for expenses, etc., of.....	184
Appropriation for salary of members.....	787
Appropriation for salary of assistants.....	184
Created, members, duties, etc.....	14
DUTIES UNDER GENERAL REVENUE ACT.	
Properties assessed by.....	192
Revaluation, etc., of property by.....	189
STATE TREASURER.	
Appropriation for salary of.....	789
Appropriation for salary of assistants.....	791
Duties under Mobile Port Act.....	330

STATIONERY AND OFFICE SUPPLIES.	
Appropriation for	754
STATE TRUNK ROADS.	
Certain road designated as	574
Certain road designated as	749
STOCK BREEDERS.	
Protected against fraudulent pedigrees	512
STOCK LAW.	
Election for	126
Re-establishment of where records destroyed by fire	34
STOLLENWERCK, FRANK.	
Relief of	595
STREETS.	
Validation of change in location heretofore dedicated	10
SUBPOENAS.	
Issue, etc., of in circuits of more than 2 and less than 5 circuit judges	662
STRIPLIN, M. M.	
Relief of	551
SUITS.	
Act prescribing limitation for bringing for recovery of personal property, etc., repealed	728
SUNDAY.	
Certain acts prohibited on	559
SUPERINTENDENT OF BANKS.	
Appointment of examiners and assistants by	716
Appropriation for salary of	789
Appropriation for salary of assistants	792
SUPREME COURT.	
Appeals to from interlocutory judgments, decrees, etc.	250
Appropriation for salaries of Justices of	753
Appropriation for salaries of Justices of	790
Appropriation for salaries of assistants	753
Appropriation for salaries of assistants	793
Opinion of Justices of may be obtained in certain cases	25
TAX ADJUSTER.	
Abolition of	14
Resolution as to	3
TAX ASSESSOR.	
Assessment books kept by	175
Compensation of in counties of 200,000 or more	248
Compensation of in counties of 75,000 to 95,000—Assistants, etc.	767
Duties under General Revenue Act	172
Election of	198

TAX ASSESSOR—Continued.	
Extension of term of office of	198
Plat book kept by	178
TAXATION.	
Rate of in State	155
TAX COLLECTOR.	
Compensation of in counties of 200,000 or more	248
Compensation of in counties of 75,000 to 95,000, assistants, etc.	767
Election of	198
Extension of term of office of	198
Preparation of list of persons paying poll tax	171
TAXES.	
Levy of for certain purposes	155
Mortgagee may pay proportionate amount on real estate in cer- tain cases	750
When due, payable and delinquent	155
TAX SALE.	
Title of	217
TAYLOR, HON. A. A.	
Endorsed for appointment as Secretary of Interior	9
TEACHERS.	
Pensions and relief funds provided for in certain counties	223
Separate quarters provided for examination of	43
TELEPHONE AND TELEGRAMS.	
Appropriation for	754
THOMPSON, HON. F. I.	
Invited to address Legislature	1
THORSBY, TOWN OF.	
Amendment proposed to Constitution authorizing levy and col- lection of additional tax on property therein	597
TICK ERADICATION.	
Appropriation for	17
TITLE TO LAND.	
Corporation engaged in business of issuing guaranties to reg- ulated	635
TITLES TO REAL ESTATE.	
Establishment of by proceeding in rem	699
TOPOGRAPHICAL SURVEY AND MAP OF ALABAMA.	
Appropriation for completion, etc., of	682
TRAPPERS.	
Licensed—Season as to	780
Penalty for violation	781

TRUST COMPANIES.	31
Amenable to banking laws.....	719
Deposit of bonds with State Treasurer by.....	
TRUST FUNDS OF STATE.	688
Unexpended balances of revert to general fund.....	
TUBERCULOSIS.	750
Act preventing spread of repealed.....	
TURKEY GOBBLERS.	776
Seasonal limit on.....	
TURKEY HENS.	776
Protected	
TURKEYS.	777
Hunting with dogs prohibited.....	
TURPENTINE.	447
Sale, etc., of regulated.....	
TUSKEGEE, ALABAMA.	77
Resolution as to control of Government Hospital located there..	
UNDERWOOD, HON. OSCAR W.	10
Endorsed as Democratic nominee for President.....	
Joint Committee to visit Legislature of Georgia in interest of	76
candidacy for President.....	83
Reception Committee for.....	
UNITED CONFEDERATE VETERANS.	727
Unlawful to wear emblem, etc., of if not a member.....	
UNITED STATES OF AMERICA.	87
Constitution of taught in schools of State.....	43
Lien for taxes, authority given to file.....	590
Proper display of flag of in schools of State.....	
UNIVERSITY OF ALABAMA.	365
Appropriation for	
VEHICLES.	61
County authorities may tax for road purposes.....	
VETERANS OF FOREIGN WARS.	727
Unlawful to wear emblem, etc., of if not a member.....	
VINEGAR.	419
Sale, etc., of regulated.....	
VOCATIONAL EDUCATION.	689
Appropriation for	692
Boards of Revenue may appropriate money for.....	
VOCATIONAL REHABILITATION.	676
Act of Oct. 6th, 1920, amended.....	

WALKER COUNTY.	
Amendment proposed to Constitution authorizing to levy and collect special tax for road purposes.....	756
WAREHOUSES (PUBLIC).	
Defined, regulated, etc.....	491
Uniform law of receipts of.....	493
WARRANTS—INTEREST BEARING FOR ROAD PURPOSES.	
Extension of time for payment of.....	41
WATCHES.	
Sale, etc., of at public auction regulated.....	691
WATCHMAKERS.	
Lien established for.....	589
WATCHMEN AT CAPITOL.	
Appropriation for salary of.....	753
Appropriation for salary of.....	791
Appropriation for salary of.....	792
WATERMELONS.	
Loading, shipping, sale, etc., regulated.....	82
WATER POWERS OF STATE.	
Congress memorialized to extend survey of.....	264
WEIGHTS AND MEASURES.	
Furnishing of to counties.....	456
Legal weights of certain commodities.....	457
Standards of	456
WHEELER, GEN. JOSEPH.	
Joint Committee to look after placing statue of in Statuary Hall	216
Statue of to be placed in Statuary Hall, at Washington, D. C.....	81
WHITE LEAD.	
Sale, etc., of regulated.....	447
WHITE WAYS.	
Construction, etc., of by cities of 60,000 or more.....	364
WIFE.	
Title to homestead, etc., vested in in certain cases.....	388
WILD BIRDS.	
Catching, killing, etc., prohibited.....	773
Ownership vested in State.....	773
Those not protected.....	774
WILD HOGS.	
Hunting of	776
WINSTON COUNTY.	
Funds derived from sale, etc., of property, etc., of Alabama National Forests appropriated to.....	660

WITNESSES.	
Attendance of in counties of more than 2 and less than 5 judges	662
WOMEN—HOME FOR AGED.	
Boards of Revenue of counties of 200,000 or more may appropriate money for.....	24
WRIGHT, ADMIRAL A. O.	
Commended for efforts to preserve records of Confederate Navy	23
Endorsing bill of correcting certain records of Navy Department	263
YOUNG MEN'S CHRISTIAN ASSOCIATION.	
Authorized to convey title to real estate.....	397
YOUNG WOMEN'S CHRISTIAN ASSOCIATION.	
Authorized to convey title to real estate.....	397
ZONES.	
Cities of 100,000 or more may be divided into.....	581
Municipal corporation may be divided into.....	590
ZONING COMMISSION.	
Created, powers, duties, etc., in cities of 100,000 or more.....	581